

States, Citizens, and Global Injustice: The Political Channels of Responsibility

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Thesis submitted in partial fulfilment of the
requirements for the degree of DPhil in Politics in the
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the University of Oxford

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Abstract

This thesis has two parts, which together seek to explore the political channels of responsibility for global injustice. While there is much that we might owe each other as persons, the thesis argues that our political arrangements and interactions generate further duties for citizens, both as a collective and individually, and for states as political agents.

Part I explores what states, as equal agents in the global sphere, owe to each other. It presents two sets of duties held by states: firstly, non-relational duties of non-harm, rescue, and the provision of basic human necessities; and secondly, a relational duty to respect the principle of equality in negotiation. Drawing from this foundation, Part II offers an account of citizen responsibility for states' failure to fulfil these duties. The thesis supports existing claims that citizens ought to bear the burdens of their participation in the state but makes a further claim that citizens of liberal western democracies can be held collectively morally responsible for the unjust acts of their state. This responsibility is grounded in citizens' endorsement of democracy, their influence and benefit from state action, and their unique position to hold the state accountable.

As a result of this responsibility, the collective can be blamed, punished (within limits), expected to apologize, and held liable for remedial duties. In turn, citizens will have individual duties to 'do their bit' in fulfilling these collective remedial duties, as well as the collective duty of holding their state accountable. Each citizen's share of these collective duties will be determined by their capacity and effectiveness in contributing to the fulfilment of the duties, and their share of the influence over, and benefit from, the injustice.

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Introduction

Contemporary society is increasingly globalized yet at the same time state boundaries remain a central fact of political life. While we are often moved by suffering in countries less well-off than our own and feel connected to others who share our beliefs and interests around the world, we remain resistant to the idea that these new truths might stretch our responsibilities so far as to require change to our way of life. The range and complexity of challenges facing societies throughout the world make it difficult to envision how we, or our state, could meaningfully contribute to their resolution, or how we could be expected to do so. As Samuel Scheffler aptly puts it:

we insist on our status as autonomous agents and on the centrality of our freedom to choose, but increasingly we see ourselves as victims and blame others for our misfortunes, as if to indicate how little we see our own choices as counting for in a world of complex interdependencies, massive institutional structures, and breath-taking new technologies. In all of these ways and more, we reveal that we have lost any sure sense of our responsibilities toward others and their responsibilities toward us.¹

In this complex world of interdependency, however, both states and citizens have to grapple with a range of moral challenges and responsibilities they might evoke: are we morally obligated to those who, we are now aware, are significantly worse-off than us? Are we being exploitative when we take advantage of weak labour regulations in a country much less developed than our own? Is it our responsibility to combat climate change for future generations? These questions, at times, dominate political and media discussions but often do not translate into serious reflection on the role that each individual citizen or state may play in these big challenges of global justice.

¹ Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2002), 19.

These issues are fraught given the democratic nature of many of the states involved in perpetuating injustice: does responsibility for this injustice trickle down to the citizens a state represents? Is injustice done in the name of a democracy in one way worse? Or not as bad? To what extent is a democracy, as a political community, justified in prioritizing its own members? It is these questions that motivate this project to investigate the duties of justice that states have to each other and to explore the moral burden that these duties can create for their citizens. The thesis will expand the range of duties between states, based on the specific practices of which they are a part. These duties often remain unfulfilled. Despite citizens influencing and benefiting from state action, responsibility seems to stop at the state level. I argue that understanding citizens to be collectively morally responsible for the acts of their state can rectify this ‘responsibility gap’.

We can test our thoughts on this responsibility gap by examining our intuitions regarding an unusual instance of democratic injustice: Apartheid South Africa. South Africa pre-1994 was not a democratic state: more than 80% of the population was disenfranchised and violently oppressed. The actual Apartheid state did, however, function as a democracy (albeit with a restricted membership) in one central way: white South Africans democratically elected their leaders and their representatives protected their rights and interests. In addition to the wrong of denying participation to black, Indian and coloured South Africans, this democracy acted unjustly toward specific groups who were not members. Many would therefore intuitively hold that white South African citizens did a wrong in allowing their government to perpetuate these injustices. We think they should have voted differently, and protested government action alongside black, Indian and coloured South Africans. While we would make separate moral judgments about each individual’s actions (and so judge the Boeremag member more harshly than the

Progressive Party voter), I suggest we would *also* want to note that taken collectively white South Africans of this time failed to ensure justice.²

There are mitigating factors here: consider the danger of dissent even for white citizens or the extent to which citizens were not aware of state action. Yet ignorance is not a valid excuse, particularly given the well-known racist ideology underpinning most of the unjust acts. While in each case the act may not have been disclosed to citizens, it was reasonably foreseeable given the ideological standpoint of the government. Danger is a relevant concern yet there was a range of actions not susceptible to persecution, such as an anonymous vote against the Nationalist Party. Collectively white citizens, through their vote, could have avoided Apartheid altogether or ended it at any given election. We would consider citizens like Helen Suzman, and countless others, who actively sought to oppose the regime, to have fulfilled their responsibility. Despite these exceptions, many would argue that, as a collective, white South African citizens of that time are responsible for a major injustice. This thought may be motivated by other factors beyond their democratic involvement: perhaps the benefits received or the magnitude of the injustice they witnessed and did not act to prevent. We would, however, also deem the South African citizen to be more responsible for this injustice than, for example, the white Zimbabwean citizen living in South Africa and receiving similar benefits, which suggests that we think there is something morally significant about the white South African's democratic membership in the oppressive regime. The fact that the democratic electorate had by far the most power (after the government itself) to rectify the situation through the state-

² The Progressive Party was the only unequivocally anti-apartheid party, its sole MP being Helen Suzman who spent a total of 36 years in parliament. The Boeremag, on the other hand, is a right wing white supremacist group.

sanctioned channel of an electoral vote raises our expectations of what was morally required.

This case differs significantly from that of the liberal western democracies under discussion in this thesis, most notably in the fact that black, Indian and coloured South Africans had no formal political representatives at this time, whereas citizens of states that are unjustly treated by other states do have representation through their own state. This distinction weakens, however, when we reflect on refugees from failed states or the comparative strength of representation between different states at global organizations like the World Trade Organization (WTO).³ Despite differences, there is enough similarity between the two cases for our intuitions about the Apartheid case to be revealing in our discussion of injustice perpetrated by liberal western democracies. When there is injustice done by a democratically elected body, our intuition suggests the electorate is to some extent complicit. This intuition has important implications for how we think about global injustice in a statist global realm, particularly given that many of the most powerful actors in contemporary global politics are liberal democratic states.

Liberal western democracies hold themselves to high standards: to be representatives of their citizens and guardians of freedom and human rights. Democratic states and their citizens are therefore an especially interesting and relevant set of agents and will be the focus of this thesis. The term liberal western democracy is used to refer to those existing states that have established, long-term democratic systems based on liberal ideas of natural, and latterly human, rights. This list would include (but is not limited to) countries

³ While formal equality is maintained, the envoys at the WTO vary in size, competence and power in line with a state's ability to fund their envoy.

such as the United States (US), Australia, Canada, and many of the states of the European Union (EU). I think it is valuable to talk about western liberal democracies for three reasons. The first is simply the necessity of refining the scope of the project. There are multiple interesting debates about the role of citizens in newly democratic, semi-democratic, and undemocratic states but these remain, for now, outside the realm of this discussion. Secondly, I have focused on western liberal democracies because many of these states are among the most powerful actors on the global stage and are often guilty of perpetuating injustice—either actively or through the shaping of unjust institutional norms. Lastly, citizens of western liberal democratic countries are in a unique position to hold strong democratic states accountable, a position that is not shared with their counterparts in undemocratic states.⁴ We should note, however, that while it is essential for the discussions of Part II that the states in question are democratic, the arguments could also apply to non-western democracies and even illiberal democracies, should they and their citizens meet the criteria set out in the thesis. On the whole, however, the criteria will only be met in conditions found in liberal western democracies.

This focus on liberal western democracies does not deny that the complexities of global interaction yield a range of potentially responsible agents. There are a vast variety of potential duty- and right-bearers in each particular issue or instance of injustice. There could be duties between (i) individual persons; (ii) citizens of one state and those of another; (iii) the state and non-citizens; (iv) the state and another state; (v) a transnational actor and a state; (vi) transnational actors, or (vii) transnational actors and individual persons. As a starting point, this thesis will focus on (iv), the duties between states, before turning to the further implications of these duties for citizens. The aim is not to undermine

⁴ For further discussion of this point, see s.5.1

or dispute the wealth of approaches available to confront global injustice, but rather an attempt to give due attention to one, underdeveloped approach: addressing challenges of global justice in light of the dominance of state actors on the global stage, and the democratic relationship between states and their citizens. States remain the principal actors in most international affairs and are often most evidently culpable for perpetuating global injustice through the waging of wars, support of unjust regimes, and enforcing unfair trading terms.

Methodology

In contemporary political theory there is significant debate around method, both as a defence against outside scepticism of the value and contribution of political theory and as a product of internal disagreement as to the most insightful approaches to political challenges. The last decade has seen a particular interest in the divide between ideal and non-ideal theory: whether or not the dichotomy exists, how the two areas can be defined, and which rules govern each approach.⁵ Questions are raised about the extent to which certain constraints should be admitted in political theory: is a certain theory grounded on an assumption of full or partial compliance? Is it limited by feasibility constraints? Is it pursuing an ‘end-state’ solution or a transitional one?⁶ In their 1983 collection, *The Nature of Political Theory*, Miller and Siedentop describe political theory as ‘an essentially mixed mode of thought.’⁷ It not only embraces deductive argument and empirical theory, but combines these with normative concerns [...], so acquiring a practical, action-guiding

⁵ See for example, Laura Valentini, “On the Apparent Paradox of Ideal Theory,” *Journal of Political Philosophy* 17, no. 3 (2009): 332–55; Laura Valentini, “Ideal vs. Non-Ideal Theory: A Conceptual Map,” *Philosophy Compass* 7, no. 9 (2012): 654–64. Adam Swift and Zofia Stemplowska, “Ideal and Non-Ideal Theory,” in *The Oxford Handbook of Political Philosophy*, ed. David Estlund (Oxford: Oxford University Press, 2012).

⁶ Valentini, “Ideal vs. Non-Ideal Theory: A Conceptual Map.”

⁷ David Miller and Larry Siedentop, “Introduction,” in *The Nature of Political Theory*, ed. David Miller and Larry Siedentop (Oxford: Oxford University Press, 1985), 1.

character.’⁸ Thirty years later the field expects a much clearer and narrower methodology choice from its practitioners. Adherents to the ideal—non-ideal distinction expect political theorists to characterize their work within this framework. In addition, political theorists disagree as to what constitutes ideal and non-ideal theory. John Rawls, for example, is criticized both for producing a completely ideal theory, *and* for relying on empirical facts that make his theory not ideal enough.⁹ In this project I aim to do political theory as Miller and Siedentop described it, using both deductive argument and empirical theory to address normative concerns, to act ‘as a goad – inducing people to reconsider beliefs previously taken for granted, to notice the fuller implications of their value-commitments, or perhaps to recognize the incompatibility between different goals that they espouse.’¹⁰

That being said, the thesis begins from the non-ideal status quo. Given existing global inequality and current global institutions, the thesis asks what duties states have and what role citizenship should play both in our attempt to assign responsibility for injustice and in preventing and redressing injustice. As Jonathan Wolff suggests, if we wish to make contributions that may affect policy, we must accept that the status quo has a privileged position in the debate.¹¹ That does not mean, however, that the status quo ought to be automatically accepted. Normative work requires that we engage with the plausibility of views we encounter and make decisions about which aspects of the status quo to accept and which to challenge. Throughout this thesis I will often begin from a position of the status quo but offer some justification for why this position might be normatively plausible or justified. The arguments are therefore in the shape of a conditional, but with an extra clause. It is not just *if p then q*, but *if p, and p is a plausible position to hold, then q*. This

⁸ Ibid.

⁹ Swift and Stemplowska, “Ideal and Non-Ideal Theory.”

¹⁰ Miller and Siedentop, “Introduction,” 1.

¹¹ Jonathan Wolff, “Harm and Hypocrisy,” *Public Policy Research* 14, no. 2 (2007): 133.

kind of argument is most evident in the thesis's acceptance of the current statist nature of global politics. Regardless of on-going academic contention over the legitimacy of the state, it is clear that the existence of states is an important fact that needs to be incorporated into current theorizing.

There are many reasons why people might accept the statist framework: its efficiency; the fact of its deep roots in current society; the value of reciprocal relationships states create; nationalism, patriotism and so on.¹² I argue that we have good reason to focus on the state in our discussions of global justice. The state currently assumes a powerful and active role in preventing or perpetuating global injustice and it has the capacity to engage with the challenges of global justice beyond any single organization or individual. Furthermore, citizens of liberal western democracies have a unique ability to hold their state accountable, which gives us good reason to investigate what these states owe in light of global injustice. The thesis will offer accounts to support two further widely accepted views in the current political system: that states are agents that can act (and perhaps more controversially be held responsible for those acts) and that states are formally equal agents in international relations. These accounts offer us less a full defence of the position and more an unpacking of what needs to lie behind these widely held views to make them normatively justified. They therefore allow us to consider with more clarity what ought to be done within the realms of this status quo.

The thesis does not intend, therefore, to be a critique of cosmopolitan views or a philosophical defence of the statist view. In order to establish what duties we might owe in the current status quo, the thesis constructs an account that could, most plausibly, justify

¹² In addition, Stiliz has influentially discussed the liberal justification for the state and our political obligation drawing from Kant and Rousseau in Anna Stiliz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton University Press, 2009).

the status quo statist position. This account can be viewed, however, as what Simon Caney describes as a consequentialist cosmopolitan account. That is, it shares the commitment to the universal equality of interests, but offers a statist model as the best way to (indirectly) achieve these cosmopolitan aims.¹³ As Caney suggests, the state can offer us instrumental value, insofar as it pursues policies and institutions that further cosmopolitan ends. I will argue that the universal principle of equal moral worth grounds both our global and domestic duties (s.1.3; s.4.2.2). A cosmopolitan holds that we are all equally entitled to a certain set of rights, but this does not exclude, as discussed in this thesis, that our political communities can provide insight into the duties we have in providing these entitlements. ‘One has a ‘special’ duty to protect the cosmopolitan entitlements of one’s fellow citizens, as well as a ‘general’ duty to protect cosmopolitan entitlements of everyone.’¹⁴ While we each have an entitlement to be treated as a moral equal, part of this entitlement can only, or best, be fulfilled by our fellow citizens (s.4.2.2).

The status quo in global politics is complicated and deeply entrenched and so while it provides a helpful starting point, it does not lead to clear answers. What one agent is under an obligation to do will be affected by the compliance and actions of another agent. This is salient in relation to the political channels of responsibility between citizens and their state, and within the collective of citizens. If states act without regard to their citizens’ will, citizens will not be able to fulfil their duty to hold the state accountable. Where citizens seek to hold their state accountable but face a lack of collaboration from their fellow citizens, their duty will have to account for the non-compliance of others. The thesis acknowledges and discusses these challenges (s.5.3; s.6.2.2), but at the same time, remains committed to developing a normative project of what, ideally, citizens and states ought to

¹³ Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), 275.

¹⁴ Simon Caney, “Global Distributive Justice and the State,” *Political Studies* 56, no. 3 (2008): 511.

do in the face of widespread global injustice. Similarly, the thesis does offer suggestions as to how citizens and states may act to fulfil their duties (s.3.3; s.7.2; s.7.4). It does not, however, delve into the non-ideal complexities of policy-making. As Adam Swift and Zofia Stemplowska suggest, ‘it is perfectly possible to work on non-ideal theory at the abstract or philosophical level without applying it to particular contexts in a way that yields concrete proposals; such proposals typically involve careful identification of the empirical circumstances and estimates of the probabilities attaching to the consequences of various things that might be done in those circumstances.’¹⁵ This kind of policy analysis extends beyond the ambit of this political theory thesis.

A final comment on the underlying methodology of this thesis: the thesis is pluralist about the grounds of justice. It does not commit to only one ground of justice but accepts that we can have both relational and non-relational duties of justice and further there can be multiple different relational or non-relational grounds for justice. Relational duties are those that arise out of some interaction or relationship that we have with another (such as being fellow citizens), while non-relational views arise in virtue of some independent characteristic of that individual or ourselves (such as our common humanity). These categories provide both a useful way to examine the grounds of certain duties of justice and a clear distinction within a complex debate, but are not, as current global justice discourse often implies, mutually exclusive. Matthias Risse, for example, argues that there is no deep opposition between relational and non-relational conceptions of justice such that they cannot co-exist.¹⁶ There can be duties that arise out of associations that citizens find themselves in or choose to join and similarly, and simultaneously, we can take seriously the idea that non-relational concepts such as our common humanity can also ground

¹⁵ Swift and Stemplowska, “Ideal and Non-Ideal Theory,” 386.

¹⁶ Mathias Risse, *On Global Justice* (Princeton, NJ: Princeton University Press, 2012).

universal duties of justice. This position resembles the way people often think about their duties: a person may think they have certain moral duties to the stranger on the street in virtue of their equal moral standing (such as a duty not to harm them) *and* that they have particular duties, in addition to these basic moral duties, to their spouse in virtue of their relationship. Similarly, we can also think that we have duties of distributive justice on both non-relational and relational grounds. According to Risse, ‘principles of justice are *different principles* associated with *different grounds*, and depend on what norm-generating conditions apply respectively.’¹⁷ This argument is therefore an attempt to widen our view on the possible agents and grounds for addressing global injustice rather than an argument for the priority or exclusiveness of one particular agent or ground of justice.

There are two parts to this thesis: the duties of states and the consequent duties of citizens. What ties them together is a commitment to investigate the political channels of responsibility for global injustice. There are many different agents and ways of exploring the challenges of global injustice. This thesis offers insight into responsibility that is grounded in our political life. That is, what it is that we as citizens owe to those outside of our state because of our role as citizens in democratic states. In order to fully answer this question, Part I sets out an account of what states owe to each other, while Part II investigates the implications of these duties for citizens. I will introduce each part in turn.

Part I: What States Owe to Each Other

The thesis seeks to investigate the responsibility citizens of liberal western democracies have for the unjust (or just) acts of their states. Foundational to this investigation is the question of how exactly states should behave: what duties of justice do they have? This

¹⁷ Ibid., 50.

will be the focus of Part I that will argue that states have two sets of duties in the international realm. Firstly, they have three non-relational duties, namely, a duty of non-harm, a duty of rescue, and a duty to provide all with basic human necessities. These duties are non-relational insofar as they apply between all states regardless of their specific interactions. Secondly, where states do interact, they have a further set of relational duties, most importantly I argue, a commitment to a principle of equality in negotiation.

To begin, in Chapter 1, I will justify starting with the state as the relevant agent and will argue that the state is a moral agent that can bear duties and be held responsible. As a foundation for the theory of international relations developed in Chapters 2 and 3, this first chapter will present an argument for states as equal agents and set out the non-relational duties that hold between them. I suggest that these non-relational duties (of non-harm, rescue, and the provision of basic human necessities) form a core of global justice that most scholars can agree to in substance if not always in form. That is, the theoretical frameworks might differ but the imperative to achieve these ends is shared. Even at this most basic level we are faced with widespread lack of compliance and a responsibility void for this failing. These non-relational duties therefore provide sufficient motivation for the investigation into citizen responsibility in Part II. Yet, in order to fully understand the weight and content of citizen responsibility, and indeed in order to offer a full account of state duties, we will turn, in Chapter 2, to examine relational views.

Non-relational duties do not capture the full extent of what we might think that states owe to each other. Consider the following case: Country X trades extensively with country Y and they have an agreement to allow free movement of each country's staple export. So, country X can freely sell bananas in country Y's markets and country Y can freely sell

cocoa in country X. Both economies depend heavily on these staple exports and the markets that this agreement opens to them. When the treaty comes up for renewal after twenty years, we might think it unjust if country Y, without warning, decides to no longer participate in this agreement and impose a high tariff on country X's bananas and a lower tariff to country Z. While it may be in compliance with existing international law or our understanding of contract law, intuitively, it seems unjust to seriously undermine an agent with which you had a long term mutually dependent relationship—both because we undermine a valuable relationship with legitimate expectations and because a party has been left in a position of extreme vulnerability. We do not think states should be denied exit from long-term trading agreements but our intuitions suggest that due consideration needs to be given to the other party's legitimate expectations in light of the long-term relations: perhaps a staggered process to allow for adjustment, compensation, or more favourable terms are required.

In Chapter 2, I present a view that can account for these intuitions about state interactions. I argue that the relational view of justice, properly understood, can provide valuable input into the duties that are owed at an international level. The relational view of justice holds that what justice requires is, at least to a certain extent, dependent on our relationship with a given individual or situation. This view is traditionally deployed in the domestic context in order to justify special duties of distributive justice among citizens of a state.¹⁸ The argument draws from the intuition that our relations with people affect what we owe them: we feel that we owe more to our families than we do to a stranger since there is something distinct about close relationships within a family. Similarly, relational scholars would

¹⁸ The relational view encompasses a variety of vastly different conclusions that all stem from a belief that the relations between individuals contribute to determining the requirements of justice. See, for example, Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2001): 257–96; David Miller, *On Nationality* (Oxford: Clarendon Press, 1995); Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy & Public Affairs* 35, no. 1 (2007): 3–39.

argue that we are in a special kind of relationship with our fellow citizens; we are working together implicitly or explicitly on a common project to ensure our own and our fellow citizens' well-being. While I share the intuition that our relations can matter in determining our duties of justice, I break from the conventional method of approaching relational duties beyond borders as being between individuals. Instead, drawing from the earlier arguments justifying state agency, I argue that states are relevant agents in this debate. Relations between individuals globally have been addressed in the literature, but an investigation of the relational duties between *states* as agents on the global stage fills a current gap in the global justice debate. I argue that states interact extensively with each other, and these interactions ground relational duties of justice between them.

Chapter 2 will defend this position in three main steps. Firstly, it will set out an account of a practice-based relational view and unpack the underlying mechanisms at work. It will argue that relational views rely on both an underlying commitment to a principle of justice and the nature and aims of the practice in order to determine the kind of duties that are grounded. With this in mind, the chapter presents an analogy between the domestic and international cases, arguing that they share similar commitments to a principle of equality, similarly valuable ends, and long-term, formalized structures. The kinds of duties that arise are hence similarly egalitarian in kind.

Chapter 3 will turn to the task of explicating these duties, arguing that states' practices ought to be governed by a principle of equality in negotiation. Drawing on the 'democratic equality' model introduced by Elizabeth Anderson, it will argue for a kind of relational equality between states rather than equality of resources, welfare, or opportunity. Relational equality between states grounds a principle of equality in negotiation. This

principle is in place to ensure that states are able to function as equals in their interactions and are not in relations of oppression. Equality in negotiation has two parts: (i) states should have equal access to the tools of negotiation, such as the relevant information, research and strategy expertise, and administrative support, and (ii) states should have a reasonable degree of parity in bargaining power such that one state does not have the power to unduly influence negotiations. While these conditions may not all be currently feasible, the principle holds that states who are not yet equals are owed compensation for the effects of this inequality on the negotiation, and for the arrangements of the negotiation to move them closer toward this kind of equality in standing. The remainder of Chapter 3 offers a response to possible objections and concludes Part I by bringing together the non-relational and relational duties of states and considering how these two sets of duties work together. This situates us well to then address how citizens are affected by these duties that their states are under.

Part II: Citizen Responsibility

To begin with, we ought to clarify why this project focuses on citizenship; why it is valuable in the global justice debate to turn attention towards widening our conception of citizenship to include outward-looking duties based on the actions of our states. As Andrew Mason argues: ‘there are many who we owe special obligations of compensatory justice because of what we did in the past, and indeed because of how we continue to act in the present, but there is no reason to think of them as fellow citizens, or to think of these obligations as obligations of citizenship.’¹⁹ If this is the case, is it relevant or even correct to perceive citizenship as playing a role in global justice? Mason appears to blur two different ideas in his statement. Whether I believe, for example, that Aaliyah is my fellow

¹⁹ Andrew Mason, *Living Together as Equals: The Demands of Citizenship* (Oxford: Oxford University Press, 2012).

citizen, and whether the duties of compensatory justice owed to her are *duties of citizenship* are two distinct questions. Many understandings of citizenship are committed to a view that citizenship duties, or duties that arise in virtue of our citizenship, are only owed to fellow citizens.²⁰ I will argue, on the contrary, that there are also duties of citizenship that we owe to non-citizens, both in virtue of being a citizen of our particular state, and in virtue of how I behave *as a citizen*. It is essential to understand these acts as acts of citizenship as they are, in most cases, collective acts, with citizenship being the key feature that creates the collective. There can be a reluctance to accept this view on the grounds that it can begin to undermine the very nature of what it means to be a citizen: to owe certain duties to *each other*. This worry confuses the two issues of whether or not someone is a fellow citizen, and so owed certain duties, and whether or not, I, as a citizen, owe certain duties to someone given my, or my state's, behaviour. In order to aid the dispelling of this confusion, in this project I will refer to the latter, my focus, as *outward-looking citizenship duties*. We should also note that the citizens discussed in this thesis are those who live, and are eligible to vote, in a liberal western democratic state. Many individuals live and work in states that do not grant them political rights. These individuals are not necessarily without responsibility, but their responsibility will not be discussed in this thesis.²¹

The political nature of citizenship gives us a second reason to focus on citizenship in a global justice context. While issues of global justice can be, and often are, matters of personal morality, they are also fundamentally political questions. I think it is crucial therefore that we engage with the challenges of global justice in light of our political

²⁰ Consider, for example, the idea of citizenship duties and rights, in David Miller's nationalist conception. Miller, *On Nationality*.

²¹ See s.7.5.1 for a discussion highlighting this issue as a path for further inquiry.

position: as citizens of a particular state. There may be some duties that we have as individuals to address global injustice, but in addition there are duties arising from our political role as a citizen, *because* of our role as a citizen. As we can recall from our discussion of Part I, we have good reasons to focus on liberal western democracies, one feature of which is the ability of citizens to hold these states accountable. Not only are states a major actor on the global stage in creating and perpetuating the structures that lead to global injustice, but further, there are some requirements of global justice that can only, or best, be met by a state, or by states acting together.²² Western liberal democracies are therefore in very powerful positions in international negotiations, both to fulfil duties of global justice and conversely often to enact or support injustice. Given this power, there is little that other states or international organizations can do to regulate their behaviour.²³ Democracies are, however, committed to the rotation of power by consultation with the electorate in a national election, putting citizens of democratic states in a position of relative power. Emphasizing the political channels of responsibility, and so our role as citizens, enables us to capture the full range of duties that individuals have and to utilize all the available avenues to combat the immense challenge of global injustice.

We might wonder, however, why these duties of justice do not just fall to the state in question, or to states in general, and remain with them. If the state fails to fulfil its duties of justice then the responsibility should fall to it. This, however, makes the state into what

²² Consider the duties discussed in Part I (to provide basic human necessities or to rescue a state in crisis, for example) that are tasks of such a great magnitude that they are best fulfilled by large state actors.

²³ In the recent Syria crisis, for example, both UK and the US leadership turned to the representatives of their citizens rather than international organisations, such as the UN, to ask for authorization. When this was denied, both states respected the decision. See Jennifer Steinhauer and Jonathan Martin, "Obama Seeks Approval by Congress for Strike in Syria," *The New York Times*, August 31, 2013, <http://www.nytimes.com/2013/09/01/world/middleeast/syria.html>; BBC News, "Syria Crisis: Cameron Loses Commons Vote on Syria Action," *BBC News*, August 30, 2013, <http://www.bbc.co.uk/news/uk-politics-23892783>.

Stilz has termed a ‘responsibility-laundering machine’.²⁴ In other words, the state plays the role of the ‘moral fall guy’. Often in big businesses where illegal activity is taking place, one person is delegated to be the ‘moral fall guy’: as far as possible all suspect practices are associated with this one individual. If corruption is discovered, the company can dismiss this one member and carry on, having justified itself by ousting the corrupt individual. Similarly, if the state is the sole responsibility bearer, it would allow citizens to receive the benefits of state action but should any unjust behaviour be uncovered, the responsibility would fall to the state, and not citizens. There seems therefore to be a ‘responsibility gap’ between citizens and their state.

We might think, however, that the state has been set up for that very reason, to perform tasks that citizens do not or cannot perform themselves. The predominant conception of the state views the state’s role as one of acting in ways in which citizens would not, or should not, act themselves. The state is, in the Weberian sense, the only entity that can claim a legitimate monopoly on the use of violence. We think that the state can imprison those who are a danger to society, but we do not think it is the prerogative of a citizen to keep a dangerous person locked up. In the creation of the state we all transfer, or give up, our right to individually enforce our conception of justice (and so to lock up the dangerous person) to the state, so that the state can equally enforce our rights. Where the state fails to enforce citizens’ rights, citizens resist through democratic channels: either through electing a different government, protesting, or pursuing legal avenues. We do not hold citizens responsible as the state acted outside of its mandate and citizens had condemned it for

²⁴ Anna Stilz, “Collective Responsibility and the State,” *Journal of Political Philosophy* 19, no. 2 (2011): 197.

doing so.²⁵ The more interesting enquiry, however, is who is responsible when the state is acting unjustly, and against other states and non-citizens who do not have access to these democratic channels? This is compounded where citizens are not speaking out but instead enjoying the benefits that this action often accrues. This scenario seems to characterize many interactions in the global realm and so highlights the central challenge of the responsibility gap between states and their citizens. We hesitate to assign citizens responsibility for the acts of their state given the remoteness of the latter, but similarly we hesitate to allow states to detach themselves morally from those who created them and in whose interest they act: we do not want the state to become our moral fall guy.

Part II will address this challenge in three chapters. In Chapter 4, I will lay the foundations for citizen responsibility. In Chapter 5, I turn to citizens' collective responsibility, and in Chapter 6 consider the implications of this responsibility for individual citizens. The main argument will agree with many in the current literature that citizens can be held collectively outcome or task-responsible for the acts of their state.²⁶ That is, citizens, by virtue of their participation in the practice of having a state, have to bear the benefits and burdens of this practice. In addition, it will argue that citizens of liberal western democracies can be held collectively morally responsible for the acts of their states. With this goal in mind, Chapter 4 lays down three important foundations. Firstly, it presents the basis of the idea of citizenship used throughout this thesis. Without challenging the status quo of state-based citizenship, it offers some reasons why we might remain committed to this widely held view. Citizenship is understood, at its root, as participation in the practice

²⁵ It is, however, not always the case that citizens do speak out, particularly when it is a failure to enforce the rights of minority groups. The salient point is the state is set up to allow a response through democratic channels.

²⁶ Consider for example, David Miller, "Holding Nations Responsible," *Ethics* 114, no. 2 (2004): 240–68; Stilz, "Collective Responsibility and the State." See Section 4.1 for further discussion.

of having a state, a participation that is motivated by our need to ensure our own, and others', basic human needs. I argue that this understanding of citizenship grounds two collective duties of accountability. Citizens have a collective duty to hold their state accountable to (i) act on their interests *within the limits of justice*, and (ii) to uphold their duties as states in the global realm, as set out in Part I. Secondly, I argue, following Kutz, that participatory intentions ground our understanding of citizens as a collective, and further that we can view this collective to be acting through its regular and expected collective outcomes. Since the responsibility is collective, concerns arise about the capacity of the collective to bear moral responsibility or indeed responsibility at all. Thirdly then, I will discuss the moral nature of this responsibility.

With these foundational concepts in hand, Chapter 5 introduces the argument that citizens of liberal western democracies can be held collectively morally responsible for their states' acts. This responsibility rests on four features of liberal western citizenries. Firstly, citizens of western liberal democracies buy into the concept of democracy: the rule of the people. Secondly, citizens of western liberal democracies make a number of implicit and explicit demands on their governments and so influence its behaviour, and in turn, thirdly, receive numerous benefits from state action. Lastly, citizens are in a unique position to hold their state accountable. After setting out these four features, I argue that taken together, they ground a collective moral responsibility. The remainder of the chapter investigates what this responsibility might mean for the collective, before turning, in Chapter 6, to how it affects individual citizens. In both cases, there are three kinds of possible effects, which I discuss in turn. Firstly, I explore the different ways that collective moral responsibility will affect the moral standing of citizens, both as a collective and individually, secondly,

whether they are liable to punishment or attitudes of mistrust and thirdly, what forward-looking duty it might ground, such as apology or remedial duties.

A key idea in this thesis is that responsibility can fall at the collective level, yet, when it comes to fulfilling collective duties, individual citizens will be called upon to act. Chapter 6 presents an argument for a differentiated distribution of the burden of the collective duty. While all citizens are equally a part of the collective that is responsible, their share of the collective duties may vary according to their capacity to influence, the effectiveness of their influence, and the extent to which they had influence over and benefited from the injustice. I then consider some objections to this view, tackling three broad responses we might have: Is it too demanding? Is it unfair? Is it undemocratic? In each case there are important concerns to be taken into account but Part II concludes that we have good reason to hold the collective morally responsible, and for individual citizens to be obligated to do 'their bit' of the consequent collective duty.

Concluding: the Implications and Way Forward

There are two related, underlying worries that motivate the thesis and which the thesis aims to address. Firstly, there is a tension between what we might conceive the role of a democratic state to be and the requirements of global justice. How much can global justice demand of a state that has its citizens' interests as its primary aim and justification? Secondly, there is a responsibility gap. Democratic states act on the global stage, and are regarded as representing the will of their citizens, yet these citizens frequently avoid any form of responsibility. Through considering the political channels of responsibility, the thesis offers a way to relieve the tension and close the gap. The thesis will offer an account of the state as not just committed to its citizens' interests, but bound by duties in virtue of

its place among other states in the global order. Citizens, as a collective that is morally responsible for the acts of its state, will not be able to rely so easily on a responsibility gap, and will share the burden of responding to global injustice. That is, it is not states that need always choose between the interests of their citizens and the requirements of global justice, but citizens themselves who ought to reflect on their demands in light of the requirements of global justice. The conclusion of the thesis will begin with an analysis of how the arguments of the thesis can shape our response to these worries.

The conclusion then addresses the implications of this view for our conception of citizenship before considering the way forward. The concept of citizenship in the global justice debate appears to provide a choice between two mutually exclusive options: world citizenship that extends our duties of justice to all persons or bounded state citizenship which creates a special set of duties that are owed between citizens.²⁷ I argue however that there is a third way: a citizenship that is state bound, but globally concerned.²⁸ This understanding of citizenship more aptly captures our intuitions both that there is something distinctive about the state, and that duties of justice are not limited to the state. The thesis draws out the implications for citizens: how ought they to balance their inward and outward-looking citizenship duties? Do their individual duties to contribute toward the fulfilment of citizens' collective duties change the way they ought to view their role as citizens? I will argue that this view of citizenship entails three shifts in how citizens view their role and act upon it. Firstly, citizens' traditional role of voting and participating in the formal channels of political life should now include these outward-looking considerations. Secondly, given the international nature of much of our consumerism, we should aim

²⁷ Martha Nussbaum, "Kant and Stoic Cosmopolitanism," *The Journal of Political Philosophy* 5, no. 1 (1997): 6.

²⁸ David Miller, "The Idea of Global Citizenship," in *Varieties of Sovereignty and Citizenship*, ed. Sigal Ben-Porath and Rogers Smith (University of Pennsylvania Press, 2012), 227–43.

towards politically-minded consumerism rather than considering the market to be beyond the realm of politics. Finally, many citizens campaign for global justice in their personal capacity. This model of responsibility suggests that they have good reason to focus (but not necessarily to the exclusion of other options) their efforts on their own state rather than other international structures. In the face of grave injustice and a wide degree of uncertainty, it can seem unlikely that citizens will be able to fulfil their collective duties. I suggest therefore two ways that the collective could move toward facilitating the fulfilment of their collective duties: institutionalization of these duties and civic education.

The conclusion draws out what is an underlying motivation throughout the thesis: citizens of liberal western democracies need to widen their current conception of what it means to be a citizen given, as I will argue, that citizens can be collectively morally responsible for their state's behaviour in the global sphere. It does not seek to create a global citizenship but rather to include outward-looking duties in our state-based citizenship. This more globally-savvy citizenship will, I argue, be able to reconcile the domestic and reciprocal nature of western liberal democratic citizenship with the fact that our liberal democratic states have a significant impact in their actions (and inactions) on the global stage, an impact for which we, as citizens of a democracy, need to assume responsibility.

Part I: What States Owe to Each Other

CHAPTER 1: Laying the Foundations

Traditionally the state is conceived as an institution that exists in order to protect and further the interests of its citizens. Yet in contemporary global politics states are interacting in ways, and on a scale, that has serious implications for other states and consequently their citizens. States' function cannot therefore be purely inward-looking. In a rapidly globalizing world it is imperative to challenge how we view relations between states. The risk is that given the speed of change, norms are not settled, resulting in both an uncertainty of expectations and an opportunity for the more powerful to shape the norms in their favour. Norms that have emerged with, or continued into, the globalized world are in need of close normative examination. What are the principles that govern international relations? Which norms can be justified in light of these principles? What duties do states owe if we are to be true to these principles? In the following three chapters of Part I, I will investigate these questions as I consider what it is that states owe to each other.

In this chapter I will begin by justifying our starting point of the state as the relevant agent. In section 1.1.1 I will argue that the state is a moral agent that can bear duties and be held responsible, and, in section 1.1.2, I will acknowledge that the state is not the *only* relevant agent but argue that there are four good reasons for us to focus on its role: (i) current impact, (ii) capacity, (iii) accountability, and (iv) theoretical gain. Drawing from this basis, section 1.2 will present an argument for states as equal agents and section 1.3 will set out the non-relational duties that hold between states.

1.1 State as the Agent

In our everyday discourse we refer to states as agents; it would not be odd to hear someone note that ‘the USA walked out of the treaty negotiations’ or ‘that the relationship between Zimbabwe and the UK is strained.’ This could indicate sloppy language rather than a genuine belief in state agency. Yet this belief in state agency is evident in how our states act: they sign treaties, declare wars, are members of international organizations and can be prosecuted at the International Court of Justice (ICJ). Furthermore, studies of International Relations often unquestionably imbue the state with agency, albeit often without consideration of *moral* agency.¹ The state therefore is both viewed as an agent and acts as an agent. Nevertheless, these assumptions may not be justified and we ought to examine them. I suggest, however, that it is most helpful to attempt to construct a charitable justification for this view. I suggest this charity for two reasons: the scope and depth of the assumption weighs in its favour, and our task here is to provide normative guidance to our existing world so where it is possible, key assumptions of the actors in our political world ought to be preserved. As I set out in the introduction to the thesis, I am working from the status quo understanding of a state. Here, I wish therefore not to set out a comprehensive theory of the agency and equality of states, but rather to illustrate that these status quo assumptions are not unfounded and prove plausible and valuable starting points for our discussions.

The concept of the state, and its relationship to citizens and government, will be unpacked throughout this section and further analysed in Part II.² In brief, the view presented here distinguishes between the state, its government, and its citizens. While all three are closely

¹ Toni Erskine, “Making Sense of ‘Responsibility’ in International Relations: Key Questions and Concepts,” in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (New York City: Palgrave MacMillan, 2003), 3.

² See the end of s.1.1.1 and s.4.3 (iii).

overlapping in agency, it is possible for their agency to come apart.³ That is, the state may act independently of its citizens or the government may act separately to its state. The state is composed of a set of institutions, the government, and civil service. The government therefore is a part of the state but is not all of the state, nor does it necessarily only act as a part of the state. With this model in mind, let us turn to consider state agency.

1.1.1 State as a Moral Agent

When we call an individual a moral agent, we say that she has capacity to both ‘understand and respond to ethical reasoning’ and ‘incur moral responsibilities’.⁴ What we are considering here therefore, is not just whether a state is an agent, that is, able to act or effect change in the world, but whether it is able to assess the moral weight of these acts and so be held responsible for them. Historically, this challenge was addressed in two contrasting ways. Either the state was considered to be a full moral person or it was ‘a necessary fiction.’ Emerich Vattel, for example, refers to the state as being ‘possessed of an understanding, volition, and strength peculiar to itself.’⁵ In full, he suggests that: ‘such a society has her affairs and her interests; she deliberates and takes resolutions in common; thus becoming a moral person, who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights.’⁶ These views built upon the work of Christian Wolff who considered states to be ‘individual free persons living in a state of

³ Toni Erskine supports this account with her view of the state as an ‘institutional moral agent.’ She quotes Quentin Skinner in support where he describes the modern state as ‘an apparatus of power whose existence remains independent of those who may happen to have control of it at any given time.’ Toni Erskine, “Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States,” *Ethics & International Affairs* 15, no. 2 (2012): 74.

⁴ *Ibid.*, 68.

⁵ Emerich Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, ed. Béla Kapossy and Richard Whitmore (Indianapolis: Liberty Fund, 2008), 73, <http://oll.libertyfund.org/titles/2246>.

⁶ *Ibid.*, 67.

nature.⁷ For both Wolff and Vattel, since the state is the coming together of persons, it maintains the same features as persons and so is similarly bound by natural law (although this natural law may apply to states in a different way). Thomas Hobbes, on the other hand, had a more complex ontology. On Hobbes's view, individual persons, in leaving the state of nature, create the artificial person of the sovereign and in doing so become a united body, which is the state. The sovereign is an authorized representative of the people (collectively) and so when the sovereign acts, it (either a person or an assembly) personates the state. The state does not therefore exist without the people or act without the sovereign.⁸ It is important to Hobbes (and to us), however, that the state is a stable agent that exists beyond a specific set of people or sovereign. He argues therefore that the state is a fictional person. While in fact, its moral agency is dependent on its representatives, the state acts as if it has moral agency. This fiction does not trivialize the role of the state as agent. The state as a fictional person still, for example, fulfils the important function of bearing sovereign debt.⁹ States remain powerful actors in the world just like the 'heathen gods of antiquity' who were a fiction but, represented by priests, acted, held possessions, and had legal rights.¹⁰ For political society to function as described, individuals are required to suspend their disbelief and practise some wishful thinking. This, according to David Runciman, is exactly what we do in contemporary political life.¹¹

This view of fictional state agency is not a problem for the purposes of this thesis; we can still assign rights and duties to the state and indeed the view shares the claim, developed

⁷ Christian Wolff, *Jus Gentium Methodo Scientifica Pertractatum*, ed. Joseph Horace Drake and Otfried Nippold (Oxford: The Clarendon Press, 1934), 9, S1–3.

⁸ Quentin Skinner, "The Three Persons of the State" (Princeton, 2013).

⁹ *Ibid.*, 15, 24.

¹⁰ *Ibid.*, 15.

¹¹ David Runciman, "Moral Responsibility and the Problem of Representing the State," in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (New York City: Palgrave MacMillan, 2003), 47.

throughout the thesis, that the state is intimately linked to citizens. It is, however, worth turning to some contemporary views of corporate agency for three reasons: firstly, the historical discussions about fictional agency focus on whether the state is a moral *person*, a common idea in its historical context but an ontology that is less accepted in contemporary philosophy. Secondly, since the motivation of this discussion is to determine the duties and moral responsibilities of states and their citizens, it seems odd to lay responsibility at the feet of a fictional person given that the very worry is that responsibility is not meaningfully assigned. Thirdly, personal agency limits our ability to be flexible as to the degree to which an agent is responsible, or to hold agents responsible in one respect but not another. Personal agency distinguishes, for example, between the legal agencies of a child aged seven and an adult aged eighteen but there is little nuance outside of this distinction. Corporate agency allows us to get around many of these problems. The concept of corporate agency offers a path that does not rely on the less plausible direct analogy between personhood and statehood. Yet, it also enables us to discuss a real, albeit artificial, agent, as opposed to the more problematic fictional account. A corporate conception is also more able to account for a range of levels of responsibility, which seems more plausible for state agency. The state as a corporation can have *sufficient* agency to be a duty-bearer and so be held responsible for its actions even where it falls short of the level of agency normally attributed to individual adult agents.¹² Let us turn then to consider an account of the state as a corporate agent.

In what follows, I will focus on List and Pettit's prominent model of corporate agency and will draw from it to argue for a view of state agency that follows from, but it is not explicit

¹² Erskine, "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States," 81.

in, their account.¹³ On their view corporate agents include companies, churches, universities, or town meetings.¹⁴ These groups operate through their members in a way that simulates individual actions and retains their corporate identity despite changes in membership.¹⁵ List and Pettit introduce three criteria for ascribing moral agency to corporate agents of this kind: (i) *Normative significance*: The agent faces a normatively significant choice between doing something good or bad, right or wrong. (ii) *Judgmental capacity*: The agent has the understanding and access to evidence required for making normative judgments about the options. (iii) *Relevant control*: The agent has the control required for being able to choose between the options.¹⁶ Erskine posits a similar range of requirements: (i) to be able to understand and reflect on moral requirements, (ii) to have the capacity to act on these requirements and (iii) to have the freedom to do so, independent from other agents or forces. On both accounts, when faced with morally significant choices, a moral agent needs to be able to assess the options available to it, and have the capacity to make and carry out a decision based on this assessment.

An agent that is autonomous will, sooner or later, face a significant choice. List and Pettit argue that group agents can be autonomous, that is, they can make and act on decisions that are separate to those of its constituent members. Given the inherent problems with majority systems, incorporated groups develop a ‘practice or constitution that allows them

¹³ Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (Oxford: Oxford University Press, 2011). Similar arguments are used in Erskine, “Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States.”

Later in the thesis I will draw heavily from Kutz’s account of collective responsibility. While closely related, I think there are important differences between collective and corporate responsibility. Given my view of the state as a set of institutions that overlaps with, but is not wholly constituted by, a collective of citizens, I think that the state is a corporate agent, not a collective agent. Here, then, I focus on List and Pettit’s account that is more appropriately suited to a corporate account, while in section 4.4 I will turn to Kutz’s account that has the resources to account for collective responsibility.

¹⁴ Philip Pettit, “Responsibility Incorporated,” *Ethics* 117 (2007): 172.

¹⁵ *Ibid.*

¹⁶ List and Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents*, 155.

Erskine, “Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States,” 69.

to ensure that the body of attitudes they accept and enact in the group's name is internally consistent.¹⁷ The group will therefore be autonomous in its decision-making because the ultimate guide in decision-making will be a constitution or practice. In other words, the decision-making is guided by something that is over and above the collection of individual decisions of the members. Like the relationship between an advisor and advisee, the decisions will be 'heavily influenced by the attitudes of its members but will still count as a distinct attitudinal center and a distinct agent.'¹⁸

With these decision-making procedures in mind, it is clear that corporate agents can make judgments.¹⁹ In fact, Erskine suggests that many institutions enjoy greater capacities for deliberation and action than individuals. They often have 'comprehensive access to information, sophisticated means for its collection and processing, and elaborate structures for the execution of decisions.'²⁰ The issue at hand with judgment capacity is therefore whether a corporate agent can make *normative* judgments. Pettit argues that a group will be able to form a judgment over any proposition that members are capable of presenting for consideration and adjudication.²¹ There is no principled reason, therefore, why normative questions will not or should not be presented for consideration.²² Since individuals are capable of acquiring such information for decision-making, they would be

¹⁷ Pettit, "Responsibility Incorporated," 182.

The problems with majority systems are evident in the following case: agents A, B and C vote on the four propositions p, q, r, and p&q&r. The results are in favour of each p, q, and r independently, but not p&q&r. This will occur where all but A vote for p, all but B vote for q and all but C vote for r. Each agent rejects one premise and so would not vote for p&q&r although the majority has voted in favour of each of p, q, and r separately. This example illustrates how a corporation reaches decisions that are more than the sum of its individual members' preferences. Pettit suggests this motivates the setting up of constitutions and practices to provide a decision-making procedure that is independent of the sum of individual's decisions, but in line with the shared aims and commitments of the corporation. Ibid., 181. See also, List and Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents*, 42–58.

¹⁸ Pettit, "Responsibility Incorporated," 183.

¹⁹ Ibid., 187.

²⁰ Erskine, "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States," 75.

²¹ Pettit, "Responsibility Incorporated," 187.

²² List and Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents*, 159.

able to contribute to a vote, or a sub-group decision in line with the constitution; ‘they will be able to present evaluative, option-related propositions for group consideration and will be able to take a part in deciding them.’²³ Since the decision-making procedures allow for the formulation of preferences that are governed by a group procedure (such as a constitution or voting mechanism), it follows that the *group* will produce a normative judgment on any normative issue presented for consideration.

Relevant control is slightly trickier to establish. It seems that corporate agents only act intentionally via the intentional, reason-sensitive actions of their members.²⁴ Can ‘reason-sensitive control of an action ... be exercised at once by the group and by the member or the members who act for the group’?²⁵ Pettit argues that the ‘group agent as a whole will have responsibility as the source of the deed: the ultimate, reason-sensitive planner at its origin’ while individuals will have responsibility as the implementers of these acts. Pettit defends this position using an analogy of a flask that breaks when the water inside it comes to the boil. In this analogy, the group is represented by the boiling water, and the acting member by the water molecule. When the flask breaks, it is one molecule that has hit the surface of the flask in such a way as to break it. But the fact that the water was boiling is causally relevant—the high temperature causes the molecules to move rapidly, and in almost all likelihood would lead to *any one* of the molecules fulfilling the conditions necessary to break the flask (momentum, angle, placement and so on). So while the actual molecule that breaks the flask does play a causal role, it is one of *implementation* whereas the boiling water has ‘programmed for the collapse of the flask.’²⁶ Through its various ‘procedures for the formation and enactment of its attitudes’, the corporate agent exercises

²³ Pettit, “Responsibility Incorporated,” 187.

²⁴ Ibid., 188.

²⁵ Ibid., 189.

²⁶ Ibid., 190.; List and Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents*, 163.

control in what is to be done and tasks one or another group member to implement the action.²⁷ In this way both the individuals who act and the corporate agent can be held responsible for specific actions and the third condition of relevant control is fulfilled.²⁸

Underlying these conditions are three pre-requisites of corporate agency: (i) the corporation maintains its corporate identity despite repeated changes of membership over time; (ii) it acts through the members that constitute it; and (iii) it has a set decision-making procedure. According to Pettit, (iii) implies that ‘they endorse certain goals and methods of reviewing goals, certain judgments and methods of updating judgments, and they follow procedures that enable them to pursue those goals in a manner that makes sense according to those judgments.’²⁹ It is perhaps only this last condition that might not apply in the democratic state. The state maintains its identity, as say the Indian State or South African State, through multiple changes in membership. It acts through its individual members (state employees and not all citizens in List and Pettit’s model) in numerous ways—diplomats negotiate with foreign governments, teachers teach at state schools and parliamentarians vote bills into laws. Most states have a constitution—whether it be codified or based on precedent—and a shared method of decision-making: democracy. It is less obvious that the state, as a whole, endorses certain goals. The state is a site of contestation in a way that most other corporations are not.³⁰ Shared goals are decided upon, but they are rarely endorsed by more than a small majority and are frequently characterized by compromise. By its nature, the state contains competing

²⁷ Ibid.

²⁸ Indeed it is valuable to emphasize that proponents of collective responsibility do not wish to deny individual responsibility for specific actors within the collective. For a discussion of this kind of ‘overlapping patterns of moral agency’ see Frances Harbour, “Collective Moral Agency and the Political Process,” in *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*, ed. Toni Erskine (New York City: Palgrave MacMillan, 2003), 78–79.

²⁹ Pettit, “Responsibility Incorporated,” 172.

³⁰ For further discussion on this, see Harbour, “Collective Moral Agency and the Political Process,” 69.

factions that would change the goals should they have the preponderance of power. It does however share the primary Hobbesian goal of resolving conflict and disagreement without backsliding into the state of nature and relatedly, the goal of upholding the constitution or its equivalent. In addition there are many overarching goals that all democratic parties would presumably share—such as economic stability, representing their electorate, or upholding criminal justice. While there is extensive contestation, states do clearly share a decision-making procedure that endorses certain shared goals. With these prerequisites in place, the state meets the criteria for moral agency: it has a constitution or shared practice which gives it an element of autonomy; its members' participation in decision-making processes allow its decisions to be deliberated upon, and it acts as the reason-sensitive planner of actions.

If then, the state is an agent, what is the respective position of its citizens? One concern we might have is that this model allows citizens to be completely detached from acts of their state since responsibility falls on, and remains with, the state. I respond to this concern in depth in Part II where I argue that citizens are collectively, morally responsible for the acts of their state. In brief, citizens have a different role in the state than workers have in a business corporation. In both cases, the corporation is a separate agent to the collective of workers or citizens. Yet, in a democratic state, the state acts in the interests of citizens, whereas in a business corporation, even in an ideal model, the corporation does not aim to instantiate the interests of the workers. The state is a particular kind of corporate agent. Its role is to be a spokesperson for a larger, less structured collective: namely citizens. The state has no purpose independent of its citizens. Where a state acts as it is intended to, its moral

agency is largely overlapping with the agency of citizens as a collective.³¹ Indeed, much of what I argue states have a duty to do will ultimately fall on the shoulders of citizens as a collective. They are not, however, the same agent.³² A state is clearly able to act independently of citizens' interests and so can separate itself from the moral agency of citizens. We need to show when they are normatively linked and when not. In a democratic state we should be aiming to close this link, or so I will argue in Part II. As Pettit warns, we do not want people to be able to incorporate so as 'to achieve a certain bad and self-serving effect, while arranging things so that none of them can be held fully responsible for what is done.'³³

What of the government then? The government is the implementing agent of the state. That is, the government or its members perform most state actions. The state persists through changes in government, so while the government is a part of the state, it is not all of the state or its defining element; the aims, duties, and rights of the state are shared by the government of the day but not necessarily in their entirety. If, for example, a state has large sovereign debt, the government of the day has a duty to repay that debt according to the agreed upon scheme, but the entire burden of debt does not belong to that government. The government is the mechanism of representation between citizens and the state and so when properly functioning its role is representative rather than one of independent moral agency. It is only when this function is failing that a government can be responsible for acts that the state or citizens are not.³⁴ Consider a quasi-state where the government acts recklessly. Natural resources are exploited and significant loans are taken out to finance

³¹ Pettit, "Responsibility Incorporated," 200.

³² This separation seems implied by Pettit's discussion of a 'main group agent' and an 'embryonic agent.' It is also endorsed by David Miller's view which distinguishes between the nation and the state in David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

³³ Pettit, "Responsibility Incorporated," 196.

³⁴ Runciman, "Moral Responsibility and the Problem of Representing the State," 48.

personal projects of ministers, and all as a policy of government rather than a product of individual corrupt officials. Here we think the government is responsible, rather than individual citizens (whose interests are not being represented) or the state.³⁵ The government is using the state to impersonate itself and not citizens. Were responsibility to fall on the state it would unfairly burden future governments with the actions of rogue governments that preceded them. To be sure, governments are often encumbered with the choices of their predecessors. What is at stake here, however, is the risk of being implicated in illegitimate and even illegal acts. Governments then *can* act as a separate moral agent but ideally their agency becomes the embodiment of citizens' collective agency.

We return to questions of citizen and government agency in Part II. For now, we focus on state agency. Drawing from Pettit's model of corporate agency I have argued that the state can be held responsible for its acts and so can be a relevant agent in our discussions of global injustice. Next, in section 1.1.2, I will present four reasons to motivate a focus on state duties in the global justice debate.

1.1.2 Focus on the State

States are often referred to as agents when we discuss negative duties they may possess, or what they are required to refrain from doing, such as the principle of non-intervention. There is less mention, however, of possible positive duties states may owe in light of their actions as agents on the global stage. Relational views of justice are often applied to the global realm yet the agents considered are mainly individual citizens or institutional

³⁵ Ibid.

structures. If, as I have argued, the state is a moral agent, this way of speaking and thinking exposes a gap in our discussions of what global justice requires. In the next chapter I will argue that a relational view of justice can yield fruitful results if we focus on the state as the relevant agent on the global stage. Here, I will present four motivations for focusing on the state: (i) the current impact, (ii) capacity (iii) accountability and (iv) theoretical gain.

i. Current Impact

This point is in some sense trivially true but worth recalling here. While we are often, rightly, concerned with what it is that we as individuals ought to do in light of injustice, it would be a mistake to ignore the moral relevance of the acts of states. Significant proportions of global injustice have been caused or perpetuated by international wars, colonial interventions, unfair trade interactions, and restrictive international agreements. In addition, states play a defining role in the growth of developing countries. These interactions matter because of the impact they will ultimately have on individuals. In some cases this is more immediate: when Australian immigration policy results in Australia turning away a boat of potential immigrants its actions are focused on individual non-citizens. In other cases, the effect is mediated: when Australia signs an agreement with Papua New Guinea to ship all irregular immigrants there, this action has an impact on another state (Papua New Guinea)—its economy, population size, cultural make-up and so on. This in turn, clearly affects citizens of that state, but the agents who are interacting here are states themselves rather than a state and a non-citizen. There are a number of these kinds of relations where the agents interacting are two or more states. These range from international wars to extensive trade and intellectual property agreements to a number of human rights treaties. Note that this argument does not rely on the state being the *only* relevant agent on the global stage. That is, I acknowledge the increasing presence of agents such as international institutions, multinational corporations, and transnational NGOs as

essential to our understanding of the international realm, but claim that there is good reason here to focus on state agents.

ii. Capacity

We have yet to specify (in this thesis) what exactly is required of us in the face of global injustice. It is clear however that the task of tackling global injustice is exceptionally complicated and large-scale. As individuals, we are unable to make significant inroads into even one issue: alone, or even in a small NGO, we cannot even provide mosquito nets to all who need them. We can make a difference, but the magnitude of the tasks at hand require the capacity of large state agents. As O'Neill comments, 'if ethical reasoning is accessible only to individuals, its meagre help with global problems should not surprise us.'³⁶ In many cases, states are better equipped to both assess the problems we face and to act on them. States have 'comprehensive access to information, sophisticated means for its collection and processing, and elaborate structures for the execution of decisions.'³⁷ They have large budgets to work with and access to far greater technical, human and political resources than any individual or organisation.

iii. Accountability

States are not the only agents acting on the global stage. They interact with and alongside transnational organizations such as the WTO and international non-governmental organizations such as the Red Cross. Democratic states are however the agent that can most effectively be held accountable by citizens. This will be discussed at more length in Part II. Given the pressing nature of global injustice, it is of particular importance to investigate the duties of the kind of agents that we (as average citizens) are capable of influencing.

³⁶ Onora O'Neill, "Who Can Endeavour Peace?," *Canadian Journal of Philosophy* 16, no. 1 (1986): 53.

³⁷ Erskine, "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States," 75.

iv. *The Theoretical Gain*

The reasons I have laid out thus far for focusing on the state have been motivated chiefly by considerations about the application of the theory that will be presented in this thesis: how can it best apply to the world as we see it and how can it best motivate agents in our world to combat global injustice. The final motivation I have to offer is of a different variety. As I have suggested, one key aim of Part I of this thesis is to apply the principles of the relational view to interactions between states as agents. This angle on the relational view challenges its normally conservative scope and can, I hope, offer an appealing way to reconcile the intuition that our relations *do matter* and the intuition that the scope of justice should extend beyond our more intimate relations.

Here then we have the first foundation of a normative theory of international relations. The state is a moral agent that can be a duty-bearer and can be held responsible for its actions. It is not the only relevant agent on the global stage but it will be our focus for four reasons: the empirics highlight the significant role it has in furthering or mitigating global injustice; it has the required capacity to meaningfully combat global injustice; it is an agent that we as citizens are best able to hold accountable; and it enables us to expand the use of the normally conservative scope of the relational view of justice. With this agency in mind, we will now examine the claim that states are equals. I will argue that the equality of states is a second foundation for a theory of international relations.

1.2 States as Equals

The equal moral worth of persons is the ‘egalitarian plateau’ of liberal western thinking.³⁸

Equality between persons is based on the inherent worth in each human person. What we owe each person because of this moral equality is more controversial. But at a minimum the idea of equal treatment in the currency that matters (whether it be respect, welfare, opportunity or resources) serves as a base line for contemporary political theory. I will argue in the next chapter that this commitment to an egalitarian principle between citizens plays a significant role in grounding egalitarian duties between citizens. In turn, a commitment to equality between states suggests that duties between states should be egalitarian in kind. But is this equality the same in the relevant respects? What does it mean to call states equals? And how does this inform duties between them?

I have argued that states are corporate moral agents, rather than personal agents. This corporate agency lacks some of the features of personhood that we often assume in our discussions of equality. Does it make sense to talk of an ‘envy-test’ between states, or to worry about offending the state that is compensated for lacking natural talent?³⁹ Should we be concerned that a pursuit of economic equality is ‘alienating’ to states in the same way it can be for individuals?⁴⁰ Can we talk about states having the capability to ‘be whom they want to be’?⁴¹ While we do talk of state equality, it is less clear what that means beyond equality before the law or an equal right to be a sovereign entity. Is this all there is to state equality? I will argue here that it is not.

³⁸ Will Kymlicka, *Contemporary Political Theory: An Introduction* (Oxford: Clarendon Press, 1990), 5.

³⁹ Consider the arguments of Ronald Dworkin, “What Is Equality? Part 2: Equality of Resources,” *Philosophy & Public Affairs* 10, no. 4 (1981): 283–345.; and Elizabeth Anderson, “What Is the Point of Equality?,” *Ethics* 109, no. 2 (1999): 287–337.

⁴⁰ Harry Frankfurt, “Equality as a Moral Ideal,” *Ethics* 98, no. 1 (1987): 23.

⁴¹ Ingrid Robeyns, “The Capability Approach: A Theoretical Survey,” *Journal of Human Development* 6, no. 1 (2005): 95.

The concept of state equality is more frequently analysed as a historical development of international law than a normative concept. Historically, competing justifications were offered: a natural law theory based on the natural equality of persons and a constructivist view that saw equality as a construct agreed upon by states and closely linked to their sovereignty.⁴² Prominent seventeenth- and eighteenth-century scholars such as de Vattel or Pufendorf drew on this natural law account of state equality but the view has since lost much of its support in contemporary philosophy and practice.⁴³ Instead, an emphasis on sovereignty has dominated and informed much of the rebuilding of international society in the post-war years.⁴⁴ There is widespread consensus on the principle of sovereignty and formal equality: the United Nations (UN) states that it seeks to uphold ‘the equal rights of [...] nations large and small’.⁴⁵ The Vienna Convention on International Treaties at its foundation keeps in mind ‘the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States.’⁴⁶ This commitment alone gives us good reason to work from a basis of state equality. In determining what states ought to do for each other, it is valuable to have a principle that (most) states themselves are already firmly committed to. There are of course some principles that states are, or have been, committed to that do not provide this kind of valuable starting point. This, however, serves to support the method here of beginning from an accepted principle of state equality but examining the plausibility and normative value of this view before

⁴² Ronnie Hjorth, “Equality in the Theory of International Society: Kelsen, Rawls and the English School,” *Review of International Studies* 37, no. 5 (2011): 2588.

⁴³ For discussions of Pufendorf’s view see, Arnold D McNair, “Equality in International Law,” *Michigan Law Review* 26, no. 2 (1927): 133. For a discussion about Vattel on state equality see Hjorth, “Equality in the Theory of International Society: Kelsen, Rawls and the English School,” 2590.

⁴⁴ *Ibid.*, 2592.

⁴⁵ “Charter of the United Nations: Preamble,” accessed February 27, 2015, <http://www.un.org/en/documents/charter/preamble.shtml>.

⁴⁶ “Vienna Convention on the Law of Treaties,” 1969, 332, [https://treaties.un.org/doc/Publication/UNTS/Volume 1155/volume-1155-I-18232-English.pdf](https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf).

continuing. I take it that less acceptable, historically widely accepted views, such as expansionism, would not have passed this test.

In order to investigate where this principle might lead us we need to think about how state equality can best be conceived. We might think it is equality before the law or a claim against intervention or harm. But what underlies these claims? The historical emergence of the strong commitment to sovereignty post-WWII suggests that it has constructivist roots. The principle is agreed upon by states in order to ensure peace and stability. At least in everyday practice this seems to be true. Nor does it undermine the value of equality that it has an instrumental end, particularly given it is such a vital one. Going further back in history, however, natural law theory suggests there is intrinsic equality between states. These ideas can help us to thicken our conception of state equality and so it will be useful to turn briefly to them now.

I have argued that we should consider the state to be a corporate agent rather than a moral person as argued for by the likes of Wolff and Vattel. Yet despite this disagreement, there is some insight in their work as to *why* we might think states *are* equal rather than just treating them as equal for instrumental reasons. Simply put, Vattel and Wolff held that states are equal because they are equally subjected to natural law. Since the state is composed and representative of persons who are subject to natural law, the state itself is subject to its dictates, although at times these might be applied differently.⁴⁷ The first insight, then, is that it is the rights and duties of citizens that determine the rights and duties of the state. It is *because* citizens are under natural law that the state is as well.

⁴⁷ Vattel, *The Law of Nations, Or, Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*, 69, 70.

Similarly, on our view, the state is an equal moral agent because its agency is a representation of the will of a group of people who are owed equal moral respect. Should it be a problem that the groups of people represented are of vastly different sizes? According to Wolff, and endorsed by Vattel, ‘since the moral equality of men has no relation to the size of their bodies, the moral equality of nations also has no relations to the number of men of which they are composed.’⁴⁸ Dwarf and giant are equally under natural law. Most interesting is the justification that Wolff gives just preceding this statement: ‘It is not the number of men coming together into a state that makes a nation but the bond by which the individuals are united.’⁴⁹ Regardless of how many people participate, the act of creating a state has a certain value and creates a certain kind of agent. Drawing from this insight, on our view it is the fact of agency that makes states equal. Each state has been created and endorsed by citizens. In doing so they have created equal agents—while their wealth and power and resources might differ, their agency is the same. Just as for individuals what matters for grounding equality is our personhood not our possessions, for the state it is the fact of statehood that grounds equality between states.

There remains an important difference between personal equality and state equality. Personal equality is based on the intrinsic moral worth we ascribe to each human person. I have suggested that the value of the state is rooted in this moral worth of citizens and its function of representing them. There is equal value in the role that each state is playing in representing its citizens. Given that here equality is attached to function, not the entity itself, the claim is different; it is not a claim of equal moral worth, but a claim of equal standing. This is a claim to equal respect and an equal chance to act out its function.⁵⁰

⁴⁸ Wolff, *Jus Gentium Methodo Scientifica Pertractatum*, S81.

⁴⁹ Ibid.

⁵⁰ See s.3.2 for a discussion of the relational equality that equality of standing grounds.

While it is an important claim, it is derivative and so not as fundamental as the principle of equal moral worth between persons. The duties it yields are therefore likely to be less numerous and less stringent than the strong egalitarian claims between individuals.

This account also helps to explain why we do not treat all states as equals all the time. When a state is not fulfilling its function, but instead has become the spoke-piece of a corrupt government, it forfeits its right to equality. It is the bond of representative agency that makes it equal and so without it, it is no longer a part of the community of equals. Note that a state can still have duties toward the citizens of a state even when it is no longer bound to treat their state as an equal. These duties, alongside a lack of equality of standing, could be used to justify, for example, humanitarian intervention. Limiting states' ability to participate equally in some international practices might also offer a path to restrict corrupt governments accruing large state debt or trading in their state's natural resources for personal gain. Later in the thesis, I will explore the kinds of democratic representation required in order to ground citizens' responsibility (s.4.3). In that case, the representation required is fairly substantive and will chiefly be manifest in liberal western democracies. Here, the criteria are less stringent. While dictatorships and other severely oppressive regimes may fall short (consider, for example, North Korea or Zimbabwe), many non-western, semi- and newly-democratic states would not (consider, for example, Indonesia, Brazil, or South Africa). In the former cases, it is clear that the state does not function as a representative of its citizens. An individual or party is using state institutions without reference to citizens' interests or will, and often to oppress citizens. In the latter, the state is the agent in place to represent those citizens' interest. It is their spokesperson, even if currently it is not always performing that role to liberal democratic standards. The legitimacy of intervention is highly complicated and contested and is not the focus of this

thesis. The comments here intend merely to delineate the scope of the discussions in Part I. We should also note that we may often have good reason to treat states as equal even if we cannot ground the thicker conception of equality discussed here. Treating all states as equals can serve to maintain peace or to sustain an effective international law system. This equal treatment cannot, however, ground all the duties that will be set out in what follows. The upshot, then, is that while the duties discussed below will not apply to all states, this does not preclude instrumental arguments for why all states should be treated as equals in some or all respects.

1.3 Non-relational Duties

Thus far I have made two foundational claims about the nature of the international realm: states act as moral agents and so are liable to bear duties and responsibility, and states are equal agents. In the chapters that follow I will be using the relational view of justice to develop what I consider to be a more appropriately full conception of what states owe to each other. Before this elaboration, I want to lay the final foundation: non-relational duties between states. In order to comfortably embark on the journey into relational duties between states, it is important to first be clear on duties that states owe each other regardless of their interaction. The introduction to this thesis established that these arguments are not aimed at a comprehensive theory of global justice: most centrally they only discuss the very basics of what we might owe to others simply in virtue of our common humanity. The focus is on what we owe in the political realm, as citizens and states. Crucially, we have also postulated that we can be pluralist about the grounds of justice and so we can explore both relational and non-relational grounds of duties between states. In section 2.3, I will elaborate on this claim and argue that both relational and non-relational grounds of justice are rooted in shared principles of justice such as fairness or

equality. The plural position allows us to be neutral about the possibility of further principles of justice while remaining committed to, at the very least, the principle of equality set out in section 1.2. Here, based on the claim that states are equals, I will explore the non-relational duties they have to each other. There are two distinct sources of duties that states have notwithstanding their interactions with other states or non-citizens. There are those duties that stem from their equality with other states, and those that stem from the non-relational duties of their citizens that can only or best be fulfilled through state structures. I will argue that state equality grounds a duty of non-harm and a duty of rescue. In addition, states have a duty to enact (at least part of) their citizens' duty (qua person) to ensure all have basic human necessities, such as access to water, food, basic healthcare and personal security.

States are equal moral agents and as such are owed equal standing in the international realm. States owe those who are equal to them the same respect for their role and function as they grant their own standing, so long as doing so does not undermine their own role and function.⁵¹ At the most basic level, then, without any relationship or interaction, state equality requires that states should refrain from harming each other and, where they are able, with little cost to themselves, rescue one another from collapse. The duty of non-harm follows straightforwardly from the commitment to treat one another as equals. A state would not act to harm its own fundamental interests and so, in treating others as equals, it should not do so to them.⁵² The widely accepted principle of rescue between persons holds that where one is able to, with little personal cost, rescue someone from

⁵¹ Wolff, *Jus Gentium Methodo Scientifica Pertractatum*, S156.

⁵² This duty is widely endorsed by international law and political theorists. See for example, Thomas Pogge, *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002); Miller, *On Nationality*; Daniel Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations* (Oxford: Oxford University Press, 2009).

imminent death or harm, one has a duty to do so.⁵³ Just as our respect for persons as our moral equals requires us to preserve their life where it is possible with little cost to ourselves, so does equal standing for states require that states rescue states at risk of collapse. Assigning a duty of rescue can become difficult when there is more than one agent able to perform the task or if we disagree about what constitutes a reasonable cost. Assigning the duty will be even more complicated at a state level. Awareness of the situation is not dependent on spatial location as it would be for most personal cases. Your duty to rescue the drowning child arises because you happen to walk past the pond. While some states may have more information than others due to positions of power and superior intelligence services, the fact of crisis is information that is likely to be equally available to all states. The duty would not therefore automatically fall on who is there but would have to be determined by who is best able to perform the task. Some factors to consider would be capacity, proximity, and effectiveness. Ideally, this duty would be shared among states through an institution like the UN.⁵⁴

The duty of rescue applies to cases where a functioning state in the international realm faces a severe crisis that seriously limits its ability to function as a state both domestically and internationally. Examples might include: a devastating natural disaster such as Hurricane Haiyan in the Philippines; a political crisis such as an overwhelming influx of refugees (consider Lebanon where a quarter of its population are refugees); or, an attack from an insurgent movement such as Islamic State in Iraq.⁵⁵ These cases, importantly, require state-level political action. While individual citizens are affected by the crisis, the

⁵³ See Scanlon (Chapter 5, S8) for a good analysis of this duty. T.M Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 2000).

⁵⁴ This will be discussed further in s.3.3

⁵⁵ The UN Refugee Agency, "Syria Regional Refugee Response," 2014, <http://data.unhcr.org/syrianrefugees/regional.php>.

duty of state rescue seeks to aid and support state institutions that are at severe risk of break down, so they in turn will be able to protect their citizens. We should note, however, that while I have used an analogy with the inter-personal duty to rescue, one key difference is that in these cases, consultation with the relevant state is required. A part of respecting a state's role and function is to respect its autonomy, which unilateral intervention would undermine. We should also be cautious not to assume that this duty would override citizens' collective self-determination. Where a popular movement destabilizes the state in order to bring about change, states do not have the duty, or indeed a justification, for interfering. In these cases, the temporary destabilization is working toward the state *better* fulfilling its role and function (of protecting citizens' rights and interests) rather than undermining it. Since states' equality is grounded in their representative agency, support for an existing state is warranted only insofar as it is supporting this end. Indeed, we are not here addressing cases where the state is not a representative of its persons, but instead their oppressor. In those cases we turn to the duties states have to peoples not states, which we will discuss next. As with the inter-personal case, the duty of rescue applies to a certain set of fairly exceptional situations where (i) the aim is clear, (ii) how to achieve the aim is clear, and (iii) performing the task carries little personal cost. One knows that (i) a drowning child needs to be rescued, (ii) this could be done by wading into the pool and carrying the child out, and (iii) this would only cost a small amount of time and the inconvenience of having wet clothes. Just as in the inter-personal case, these conditions will not be commonly met in the international sphere. When they are, however, they ground a duty of rescue.

Finally, states also have a duty to ensure that all persons have their basic human needs met, such as access to water, food, healthcare, and personal security. This duty encompasses the

personal duty to rescue; that is, the duty to rescue individual members of a state rather than the state institutions as discussed previously. In cases such as a severe humanitarian disaster, however, the two duties may largely overlap. The duty of state rescue provides support to state institutions in the task of protecting its citizens, while the duty to provide basic human necessities focuses more directly on meeting these citizens' basic needs. The duty to provide basic human necessities is owed by individual persons qua person. While we may fulfil some aspects of this duty as individuals, on the whole, the scale of the task prevents individual action being sufficient. Just as many of our duties to our fellow citizens are outsourced to our state, so too should we outsource this duty to our state. Importantly, this duty is owed to individuals and so it will not necessarily require that the assistance is received through state channels. The right to these basic necessities is not therefore dependent in any way on having a functioning, representative state. Indeed, in many cases, this duty will be most salient when a state is failing in one of its key tasks of ensuring the basic protection of its citizens.

I will not argue at length to justify this duty as it, or at least the spirit of the principle, is widely agreed upon across the global justice debate. Many scholars, such as David Miller, Michael Blake, Gillian Brock and Simon Caney explicitly refer to this kind of sufficiency principle for basic human necessities.⁵⁶ In other works it is less apparent. Two examples are worth looking at in more detail given their prominence in the global justice debate: Thomas Pogge and Peter Singer. Pogge focuses on negative duties so while, according to his empirics, much of the same work will be done by his principle of non-harm, he is not committed to a duty to provide basic human necessities per se. Pogge does however cite

⁵⁶ Miller, *National Responsibility and Global Justice*; Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2001); Simon Caney, *Justice beyond Borders : A Global Political Theory* (Oxford: Oxford University Press, 2005); Gillian Brock, *Global Justice : A Cosmopolitan Account* (Oxford: Oxford University Press, 2009).

poverty as a ‘human rights violation’. It would seem odd, then, to separate a human rights violation from a failure to protect a human right. It might change the agent who is required to rectify it, but it certainly seems in both cases an injustice and so a concern to Pogge. This reading is supported by his self-proclaimed status as a global egalitarian, and comments that suggest that while he focuses on establishing negative duties, he has ‘no doubt that we have such a moral duty [“a positive duty to protect persons from great harms and risks if one can do so at little cost”] and that this duty requires us to make a serious effort toward poverty reduction.’⁵⁷

Singer’s view is a consequentialist one—the morality of action depends only on its consequences, rather than its intrinsic properties. By its nature, therefore, Singer’s view does not sit comfortably with a consensus based on a set list of minimum requirements or duties of global justice. On his view, we are not committed to a set of duties but an overarching principle of maximizing the utility of our actions’ outcomes. Yet the core of Singer’s argument is that where we can stop ‘bad’ things from happening, we should. The real question here then becomes: what, for Singer, counts as ‘something bad’? If one analyses the examples and statistics that Singer uses, it becomes clear that one prominent bad in his view is poverty. Singer writes at length in his work of challenges faced by those who live in extreme poverty, who fall victim to curable diseases every day.⁵⁸ He refers to the World Bank definition of extreme poverty: ‘not having enough income to meet the most *basic human needs* for adequate food, water, shelter, clothing, sanitation, healthcare and education.’⁵⁹ If then we adhere to Singer’s principle that where we have power to

⁵⁷ ‘As my long-standing debate with Rawls demonstrates, I am in fact committed to global egalitarianism...’ Alison M Jaggar and Thomas Pogge, *Thomas Pogge and His Critics* (Cambridge: Polity, 2010), 194.; Thomas Pogge, “Priorities of Global Justice,” *Metaphilosophy* 32, no. 1–2 (2001): 14.

⁵⁸ Peter Singer, *The Life You Can Save: Acting Now to End World Poverty* (London: Picador, 2009), 5–9.

⁵⁹ *Ibid.*, 6. *Emphasis mine.*

prevent something morally bad from happening with little cost to ourselves we should prevent this bad, then it follows that we ought to fulfil basic human necessities. The chief difference is that for Singer this may be more easily outweighed by another pressing concern than it might for those who consider it a human right or a duty of justice. Nevertheless, in essence, Singer too seems to accept that one key requirement of global justice is provision of basic human necessities. Clearly there are numerous and fundamental ways in which competing theories of global justice differ. It is helpful however to occasionally stand back from extensive disagreements within political theory and to focus on some of the foundational agreements. This is particularly important in the case of pressing issues such as combatting global injustice. At the core of the debate, few disagree that each person is owed basic human necessities and that both persons and states have a duty not to harm other persons or states. In this section we have established that at the baseline states are under a duty not to harm another state, to rescue another state in crisis, and to ensure the provision of basic human necessities.

1.4 Conclusion

This chapter has laid the groundwork for a normative theory of international relations. I have argued that states are moral agents acting in the global sphere and as such are liable to be held responsible for their actions and to bear duties of justice. This agency helps to establish equality between states. I argued that not only are contemporary states themselves committed to a principle of equality, but, despite variations in size or wealth, this commitment is justified by the equality of agency between states. Lastly, I have set out the basic non-relational duties that states have: a duty of non-harm, a duty of rescue, and a duty to ensure access to human necessities. I have suggested that these duties are fairly uncontroversial and often widely endorsed in both academia and practice. As such, they

provide a solid base as we begin to explore further duties that states might have. In the following chapter I will consider duties of states through the lens of a relational view of justice.

CHAPTER 2: Expanding the Relational View

2.1 Introduction

Chapter 1 has argued for three foundational claims in a theory of international relations: states are moral agents, states are equals, and states owe each other basic non-relational duties. In this chapter we will build on these foundations and argue that, in addition to these non-relational duties, states have duties that are grounded in the practices of which they are a part. This argument will expand the remit of the traditional relational view but importantly it does this by considering the state as the relevant agent in the international realm rather than the cosmopolitan citizen. The argument is directed at those who hold a relational view of justice. It argues that *if* you hold a relational view, *then* relational duties hold between states as well as between citizens. This conditional claim is not just directed at political theorists. Ranging from the widely held belief that one has special duties to one's family to widespread acceptance of domestic welfare programmes and strict anti-immigration regulations, citizen behaviour reveals a strong relational bias in questions of justice. This belief—that ways in which we interact with others can create duties of justice between us—informs many citizens' views on distributive justice and can offer one explanation for, for example, the preference to give aid to local charities and the general nationalist view that prevails in questions of distribution. We might not think there is any reason to take this belief seriously; citizens are notorious for having both false and contradictory sets of beliefs about the world around them.¹ Yet there is something valuable in, insofar as it is possible, remaining faithful to the realities of this world when we theorize. Granted, the fact that citizens have these beliefs that inform their reasoning does

¹ Consider, for example, the recent study of perceptions of EU citizens that asked citizens how many Muslims and Christians there were in their country, how many immigrants, how many citizens voted or had work. The evidence suggested that we 'are probably wrong about almost everything'. Alberto Nardelli and George Arnett, "Today's Key Fact: You Are Probably Wrong about Almost Everything.," *The Guardian*, October 29, 2014, <http://www.theguardian.com/news/datablog/2014/oct/29/todays-key-fact-you-are-probably-wrong-about-almost-everything>.

not in itself justify them. Nonetheless, the fact that certain kinds of reasons are convincing to the typical citizen (because of their underlying beliefs) suggests that it would be a worthwhile endeavour to see where these beliefs might lead us if taken seriously. At its root, then, the argument rests on the conditional: *if* the relational view of justice holds, *then* states, as well as citizens, owe each other duties grounded in their relations. Following the methodology set out in the introduction to this thesis, this chapter will offer an account of how best to construe this relational view.

If then we are to take this relational intuition seriously, we need to take it with us as we move from more philosophically accepted familial relations to our thoughts on the political level: both domestic and international. As has been suggested in the introduction to the thesis, I am a pluralist about the grounds of justice: there are different agents who are bound by justice and different grounds for what justice requires. It can help, therefore, to convince those who are more sceptical of relational views, to emphasize that this argument does not hold that these are the *only* grounds of justice. Instead, it suggests that relational views can fill out our conception of justice and more accurately map the intricacies of what justice requires. In most cases where the fulfilment of relational and non-relational duties conflict, however, non-relational duties will take precedence (see s.3.5.2).

I will begin, in section 2.2, by defining the relational view in general, and defining and defending my focus on practices. Section 2.3 will unpack the relational view, arguing that it relies on a commitment to an underlying principle of justice and is dependent on the nature and aims of the practice to which it applies. This argument will be further illustrated in section 2.4, which draws an analogy between the domestic and international cases. That

section argues that the similarities between these two cases suggest that duties between states should be similarly egalitarian in nature. Finally in section 2.5, I address two contrasting objections to the argument, namely that it relies on a false analogy between domestic and international cases, and if the analogy holds, it cannot justify the disparity of strength of duties between states and within states.

2.2 Defining the Relational View

The basic tenet of a relational view of justice is the belief that there are some duties that we acquire in virtue of our relations with others that we might not otherwise have had. Some duties are owed regardless of our relationships or interactions: we might think, for example, that a duty to rescue a drowning child (where you are the only available agent and the rescue is without significant cost) is a duty of this kind. It does not matter that you have had no previous interaction or relationship with this child, the duty stems from a *non-relational* fact. Our relationships and interactions ground another range of duties. This view is widely accepted on the personal level: when we consider relations between family members such as a mother and child, it is intuitively plausible that these relations evoke certain duties. As we move toward more complex and large-scale relations, it becomes less evident. When we are asked to take our intuitions from the personal sphere and apply them to the political, there is an immediate and valid concern that questions of justice may differ from these cases of personal morality. One could argue that *social* relations do not do the same work for justice that *personal* relations do for morality. Many view justice as exclusively impartial and non-relational. We do not want some people to ‘fall through the cracks’ of our conception of justice and so it can be concerning that justice should be seen as conditional—that is to say, that one needs to be in a relationship with someone in order

to be subject to its requirements.² We do not, however, need to rely on only one or the other grounds for justice.³ As I have argued in Chapter 1, we do have many weighty non-relational duties of justice.⁴ Yet, we best understand the full range of our duties when we *also* consider the ways in which our relations trigger duties. Here I will look more closely at the way this relational view works.

Co-operation and reciprocity are two prevalent descriptions of the right kind of interaction (to evoke duties of justice). A brief look at the idea of co-operation reveals the depths behind the word, and thus the clarity required when using it. At the most basic level we could describe co-operation as including both coerced and uncoerced action. We may be forced to co-operate through violent means, or emotional or psychological coercion. Consider, for example, the co-operative venture of trade between colonies and their colonial masters. We may also co-operate with the burglar asking for our safe code, but we view this kind of co-operation very differently to co-operation that is freely undertaken. This voluntary co-operation is rooted in multiple different motivations; it could be to achieve a common aim, a common good or a collective good.⁵ Or indeed, just to achieve your own personal aim that can best, or only, be achieved working with others. Each of these kinds of interactions might evoke duties but they will differ in kind. What tools do we have to determine how they differ? I will examine this question in section 2.3. In order to do this, I will turn to examine a particular kind of interaction, the co-operative practice. I

² See Scheffler's distributive objection to associative duties for a similar view. Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*.

³ Risse, *On Global Justice*.

⁴ As I hope is evident in Chapter 1, these basic non-relational duties are foundational and will not be outweighed by relational duties.

⁵ Being, respectively, to achieve something you all wish to attain (a profit), to pursue what is good for all (a fair legal system), or a good that is by its nature public and only attainable together (clean air).

do this in order to illuminate an interaction we are particularly concerned with in questions of justice.

2.2.1. *The Practice*

Let us then turn to a clearer definition of a practice. As Lawrence Hamilton suggests, it is an ‘ample concept’ with multiple interpretations within the literature.⁶ According to Andrea Sangiovanni, ‘a practice is a system of conventional norms that assigns roles, positions, offices, and the relations among them.’⁷ He considers some examples to be marriage, friendship, the state, promising, or human rights.⁸ Laura Valentini suggests that this definition can apply to both ‘formal institutional structures, and informal social rules’.⁹ Some views of a practice, such as Hamilton’s, are rooted in intentionality, agency and goods and can be assessed on external grounds, while others emphasize tradition and habit as well as the practice’s internal good. One proponent of this view is Alasdair MacIntyre who famously defines a practice as

any coherent and complex form of socially established co-operative human activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.¹⁰

I will not fully engage with this controversial and widely discussed definition here. In short, this view is too restrictive for common understandings of a practice, and further it fatally fails to allow for external, objective assessment of the practice.¹¹ It can, as such, allow for, and promote within a practice, the idea of an ‘excellent’ slave. This definition does however, along with the others discussed, share the same basis of a practice being a

⁶ Lawrence Hamilton, *The Political Philosophy of Needs* (Cambridge: Cambridge University Press, 2003), 117.

⁷ Sangiovanni, “Global Justice, Reciprocity, and the State,” 4.

⁸ *Ibid.*

⁹ Laura Valentini, “Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism,” *Journal of Political Philosophy* 19, no. 4 (2011): 43.

¹⁰ Alasdair MacIntyre, *After Virtue*, 3rd ed. (London: Bloomsbury Academic, 2013), 218.

¹¹ See, for example, Miller and Fraser’s chapters in Susan Mendus and John Horton, eds., *After MacIntyre: Critical Perspectives on the Work of Alisdair MacIntyre*. (Cambridge: Polity, 1994).

co-operative venture that is ‘socially established’ or governed by some form of a system of norms. I share this view and consider a practice to be a co-operative social system that is governed by norms—that is, there are certain rules and expectations that for the most part are complied with by participating members. The motivation of those entering or establishing the practice can play a role in shaping the norms, but are not decisive. A practice may begin with self-interested motivations but generate rules and expectations that are other-regarding, which in turn can ground duties of justice. For example, I could join my neighbourhood watch with the sole aim of my own family’s protection, as do the other members. The practice will however generate norms of limited altruism—I will have a duty to prioritize others’ safety when on guard.

In some cases the rules, roles, and offices within a practice are explicit and carefully constructed. Consider, for example, a business corporation. In others, the rules by which the practice is governed emerge over time and are implicit and understood rather than clearly stated. A set of interactions, if repeated, can eventually form a practice. Consider the development of the practice for states to provide emergency aid in the face of natural disasters. This practice has evolved over time. It seems that most states individually (in addition to, or rather than, through UN channels) offer aid in human or material resources after extreme natural disasters regardless of the political relationship with the stricken state and would expect the same in return, even if they are relatively wealthy. Consider the international response to Hurricane Katrina in the US. There were widespread offers of aid in the form of money, oil, and specialized personnel. These offers came from both formal allies and those who did not have a good relationship with the US, such as Cuba and

Venezuela.¹² In addition, many of those offering aid had previously been on the receiving end of aid when facing an extreme natural disaster: Indonesia, Sri Lanka and Thailand, victims of the 2004 tsunami, all offered assistance. While states may not have consciously decided on the norms of how to respond to natural disasters, the reciprocal responses have developed into an established practice that imposes certain expectations on each party. In both the business corporation and humanitarian aid-giving, the practice creates a system where individual participants rely on the expectation that others will act in a particular way. This system, and thus the practice, can remain in place regardless of a change in leadership or membership. In the case of the state, for example, the practice remains despite changes in government. The general norms, rules and roles remain the same, and the core purpose for which the state exists remains constant.

Some practices take the form of an association. An association is the coming together of people under a particular banner, often for a particular cause. The group is established with long-term interests and requires membership. Relations in an association are grounded on some common factor about each person (whether it be a shared belief, aim or heritage), rather than a common participation in a particular practice. Examples could include a trade union, a church, a family and arguably the state. While a demonstration might similarly unite people for a cause, it lacks the more formal structure and long-term nature of an association. In some cases, the concept of association obscures our focus: while the WTO might be an association of sorts, what is relevant in grounding duties is the practice rather than the fact of a shared aim. Some associations rely heavily on the shared identity of participants to ground the duties between them; to the extent that one identifies with the association, one's identity can be shaped very distinctly around membership in an

¹² "World Mobilises to Aid US Victims," *BBC News*, September 2, 2005, <http://news.bbc.co.uk/1/hi/world/americas/4210264.stm>.

association. Consider a Catholic priest, a member of a Mormon family or a loyal US soldier. Identity-shaping associations are difficult to avoid for persons but are less central to the life of a state. The personal nature of associations suggests that considering non-personal agents (states) in associative relations may not be apt. States do participate in what we might call an association—the African Union, for example—yet it appears that it is the ways in which member states interact that is relevant here rather than a shared identity or personal relationship. While a shared identity or geographical location might have motivated the relations, it is not clear that it is this shared identity or location, rather than the formalized relations themselves, that ground relational duties; at a minimum, the practice of the African Union is sufficient to yield the kind of relational duties we intuit without entering, at this point, the complicated terrain of a non-personal agent’s identity. This thesis aims to analyse on-going and systemic relations that evoke systematic duties of justice. As such, the focus is on practices rather than shared identity or the myriad of one-off interactions the state participates in. Practices capture the majority of the relevant everyday relations between states, including those within associations, and so provide the relevant site for our investigations into the relational duties between states.

2.3 Unpacking the Relational View

Relational views are often used to justify limiting the scope of certain distributive duties of justice to the state on the grounds that relations between citizens are reciprocal or co-operative in a unique way. In this section I will argue that proponents of the relational view use concepts like reciprocity or co-operative practice without fully articulating the underlying assumptions that are needed to yield the (broadly) egalitarian results they seek. There are two central points here: firstly, the work that the underlying principle of justice does and secondly, the impact of the nature and aims of the practice in question. I will

argue that it is the underlying principle of justice that determines the kind of distributive principle that governs a practice (say, for example, egalitarian over desert). In turn, the nature and aims of the practice determine the manner in which this principle is applied, and so the content and strength of the duties. When considering different practices, therefore, we ought to first investigate the underlying principles of the practice and then the nature and aims of the practice. This more detailed examination enables us to more readily extend the scope of current relational views. The underlying principle works as somewhat of a threshold; in order for the practice to generate duties that are egalitarian in kind, there needs to be a commitment to some form of an egalitarian principle. That is, there is a pre-existing principle that holds that the participants in the practice are (in some respect) equals.¹³ The nature and the aims of the practice will however allow us to have duties of varying strength and content, while still being egalitarian in kind. This more nuanced approach saves us from the all or nothing tendency of current debates on justice. Let us turn then to the argument.

Relational views are not uniform, and in recent years attention has been given to the distinctions between them. For example, Miller has been careful to distance his contextualist view from conventionalism.¹⁴ The difference being that while both ground justice within the practice, a contextualist can ground justice wherever the relevant social relation (such as reciprocity or coercion) is found. The conventionalist relies on the norms and beliefs of those within the practice, making it immune to external critique. Sangiovanni, on the other hand, has labelled himself an institutionalist, while Valentini has

¹³ Consider, for example, Aaron James' account of trade justice: this account has an underlying commitment to a principle of fairness rather than a principle of equality between states. As will be illustrated in s.3.4.1, this difference in underlying principle shapes the differences between his account and the view that will be presented here. James, *Fairness in Practice: A Social Contract for a Global Economy*.

¹⁴ David Miller, "Two Ways to Think About Justice," *Politics, Philosophy & Economics* 1, no. 1 (2002): 5–28.

argued we can only be practice-dependent if we are functionalists.¹⁵ Institutionalism, on Sangiovanni's view, holds that a background commitment to the equal moral status of persons applies differently depending on the institutions that we are considering. The functionalist, on the other hand, offers a general account of the function of distributive justice—that of respecting persons' equal right to pursue their ends and goals—and selects the practices or types of interaction to which distributive justice should apply, in light of its function.¹⁶ The main issue at stake is whether (i) a principle of justice is grounded (justified and specified) by the practice itself, (ii) a principle of justice is universal but only applies under certain threshold conditions, or (iii) a principle of justice is universal in the abstract but applies differently depending on the practice. Relational scholars are often not clear which of these exactly they are doing when they introduce a relational principle. I will suggest that while scholars would put themselves in category (i) or (ii), inevitably they are drawing on foundational principles of justice and so are more often than not actually theorizing in the manner of (iii). That is, while a social relation is being pointed to as what is distinctive about a practice such that it grounds duties between the participants, in fact it is only in conjunction with a more fundamental abstract principle of justice that the duties are grounded. I will argue that this is particularly the case where the relevant social relation that is being pointed to is reciprocity or co-operation. So, in addition to focusing on the nature and aims of the practice (as relational scholars would emphasize) we ought also to consider the underlying principle(s) of justice.¹⁷ The duties of justice that are

¹⁵ Sangiovanni, "Global Justice, Reciprocity, and the State."

¹⁶ Valentini, "Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism," 415.

¹⁷ We should note that a practice may have more than one underlying principle: consider a professional football league. The practice is co-operative but with a competitive nature and with an aim of determining a winner. The participants share an underlying commitment to both a principle of fairness and a principle of merit. Teams are admitted to the league based on merit, and the rewards of the practice are distributed according to merit. What teams owe each other (perhaps fair competition, their share of the prize money, acknowledgment of each others' ranking according to the league) is not just determined by the competitive nature and aims of the practice, but also the fact that there are underlying principles that the participants are fairly differentiated through merit, rather than, for example, being equals.

grounded in this way are still practice-dependent as the practice does the work of identifying the way the principle is applied: which duties are required; who has or is owed these duties; and what the weight of these duties are. Identifying the underlying principle is nevertheless important as it pushes us to justify the underlying principles that are at stake. For example, if the principle that citizens are equals is underlying a relational view that posits special egalitarian duties between citizens, the proponent of the view ought to justify *this* principle as well as pointing to reciprocity as the relevant social relation. In addition, it models the relational view in such a way that it is easier to see how it can apply in different circumstances.

In Chapter 1, I set out the non-relational duties that a principle of state equality grounds. Here we can begin to explore the work it does in a relational context. This is not a radical attempt to critique the relational view, but instead to clarify it and so to enable us to more accurately apply it. With this clarification in hand, and our understanding of states as agents, we are able to more fruitfully apply the relational view and so more accurately map duties of justice in the international realm.

2.3.1 The Underlying Principle of Justice

One prominent manifestation of a relational view is a reciprocity-based account of social justice. That is, a view that limits the scope of distributive justice to the state on the grounds of the special nature of reciprocal relations between citizens.¹⁸ This kind of reciprocity-based view provides a good example to illustrate a deeper worry about the relational view. These views hold that reciprocity is the principle that governs co-

¹⁸ See, for example, Miller, “The Idea of Global Citizenship”; Miller, *On Nationality*; Sangiovanni, “Global Justice, Reciprocity, and the State.”

operation. In other words, the principle of reciprocity tracks distribution of the cooperative surplus (or deficit). The view therefore needs a way to determine what is considered a benefit, and what the appropriate return is.¹⁹ Both Lister and Segall, rightly I suggest, point to ways in which this principle of reciprocity has to draw on a more foundational principle in order to fill in this content of what ‘our bit’ is that we need to contribute, and what we are owed in return. If it was a simple case of ‘give and take’, reciprocity would not be able to do the work reciprocity scholars are asking of it, namely to ground special duties of distributive justice within the state. As a simple give and take, the fact that Suzie obeys the law could be reciprocated by others doing the same, and would not be able to ground any further duties towards each other. Lister picks up on this worry and argues that ‘norms of reciprocity are generally shaped by prior entitlements.’²⁰ How we respond to a police officer is, for example, shaped by a prior commitment of respect for authority or the role of maintaining societal order.²¹ On the whole, individuals do not respond to a police officer’s order or use of force with reciprocal force, as one might with a stranger who accosted them on the street.

Similarly, there are certain principles about the relationship between citizens that inform the way they should reciprocate each other’s behaviour. This might suggest reliance on a common identity between citizens, or more commonly, a principle of mutual recognition that views citizens as equals in society.²² If this is the case, then citizens ought to respect each other’s behaviour and opinions and to reciprocate in such a way as to treat each other as equals, and where they are not equals, to pursue that equality. Here, what determines the

¹⁹ Andrew Lister, “Reciprocity, Relationships, and Distributive Justice,” *Social Theory and Practice* 39, no. 1 (2013): 83.

²⁰ Ibid.

²¹ Ibid.

²² For a common-identity view, see Miller, “Holding Nations Responsible,” 251.

content of the reciprocal relationship is the fact that citizens exist in a relationship of mutual recognition. As Lister argues, ‘the duty to reciprocate benefits will only yield egalitarianism of the desired kind if it presupposes that egalitarianism in specifying the duty to reciprocate benefits.’²³ In cases where we use the term reciprocity to signal justice or the scope of justice, we are, by necessity, drawing on more foundational principles in order to establish our claim.²⁴ In addition to this underlying principle, the nature and aims of the practice also fulfil an important role in grounding and specifying the duties.

2.3.2 The Nature and Aims of the Practice

I have defined a practice as being co-operative in nature and being the grounds for duties of distributive justice. We have yet to see what *kind* of co-operative practice this might be. One key factor discussed in the preceding section is the principles of justice owed between the participating agents, such as equal moral respect. This factor illustrates the difference between the basis of relations between citizens and relations between work colleagues. Participants in a typical workplace are invited to join the practice based on their merit or a particular set of skills rather than their equality. The principle of distributive justice that results is thus primarily one of desert not egalitarianism. In addition to what I have termed the ‘underlying principle’, the nature and aims of the practice play a role in shaping the duties that arise. Consider a company that has supporting the local community as one of its central aims. Perhaps they have a long-term social policy of hiring and training vulnerable youths. The aim in this company is different to that of a conventional profit-driven firm, and, as a result, the benefits and burdens of the practice may not be distributed purely

²³ Lister, “Reciprocity, Relationships, and Distributive Justice,” 84.

²⁴ This view is shared with Lister and Segall. See, Lister, “Reciprocity, Relationships, and Distributive Justice”; Shlomi Segall, “Unconditional Welfare Benefits and the Principle of Reciprocity,” *Politics, Philosophy & Economics* 4, no. 3 (2005): 331–54.

according to desert. Nor will it be governed by strict equality as might be the case in a co-operative farm, for example. Instead, it may be a combination of merit and need-based principles that determine the distribution. While all are practices based in co-operation or reciprocity, the governing principles differ. Similarly, in, a tennis club we can see that the purpose of the club will help determine what we owe our fellow members: namely paying our dues, fair time on the courts, and respecting the etiquette of the game. It is not the interaction or reciprocity itself that specifies what our duties ought to be. Reciprocal relations alert us to the fact that there may be duties owed, whether they are duties of fairness, a system of merit, or strict equality. But it is the nature and aims of the practice that determine what kinds of duties arise. On a personal level, this link is also recognizable: many relationships are based on a kind of reciprocity and a level of mutual dependence. We think however that the duties we owe to our spouse are different to those we owe to our business partner or to our friend. The nature of the relationships differs and so calls for a different set of duties.

2.3.3 *Voluntarism*

For some, the *only* way we can acquire special duties is if we do so voluntarily. These voluntarists disagree amongst themselves, but they all agree ‘that the mere fact that one stands in a certain relationship to another person cannot by itself give one a special responsibility to that person. In order to have such a responsibility, one must have performed some voluntary act that constitutes the ground of the responsibility.’²⁵ On this account, it is free choice that grounds the duty. On the contrary, I have argued that it is a combination of the underlying principle that the parties are committed to, and the nature

²⁵ Samuel Scheffler, “Relationships and Responsibilities,” *Philosophy & Public Affairs* 26, no. 3 (1997): 191–2.

and aims of the practice that ground and specify the duties of justice. The voluntariness of a particular practice can contribute to how weighty these duties are, the content of the duties, or in some cases, ground the duty. Consider our duty to uphold a contract or fulfil a promise. This voluntary entry into a duty-bearing relationship is not, however, *necessary* to ground relational duties. Indeed, we think that children have at least some duties toward their parents, a duty that could not be grounded on most versions of the voluntarist view. The voluntary nature of practice can influence the duties that arise, but the voluntary nature is not, alone, what grounds these duties.

This section has argued that in order to understand how, in the relational view, duties are grounded, we need to pay attention not just to the fact of interaction but to the underlying principle of justice that holds between the agents, as well as the nature and aims of the practice. I have suggested that reciprocity only yields egalitarian duties when it is between agents that are moral equals. If not, participating in reciprocity could require merely that one reciprocates, or adheres to a merit-based scheme, and not necessarily that one should ensure an equal distribution of the benefits and burdens of the practice. In the next section I will compare the domestic and international cases in light of this analysis. To what extent do they share the same underlying principle, nature, and aim? I will argue that relations between states share similar but weaker instantiations of these features. This analogy illustrates the argument made in this section and provides the foundation for Chapter 3 which sets out the duties that states owe to one another.

2.4 The Analogy

In this section I will investigate the nature, aims, and underlying principles of the practice of the domestic state. If it is these features of the practice that ground broadly egalitarian

duties between citizens, then similar features ground similarly egalitarian duties between states. The second half of the analogy therefore seeks to illustrate that international practices share these features, grounding duties that are egalitarian in kind. The international and domestic practices share *similar* features, yet the differences between them result in less stringent egalitarian duties between states than we find between citizens. The argument is not that the analogy reveals duties in each realm should be the same, but rather that they should be in the same category. That is, states' practices should be governed by broadly egalitarian principles rather than principles of mutual advantage as many realist conceptions of international relations would hold. Let us turn then to the domestic case. I will firstly comment on the underlying principle of equality, and then identify three features of the nature and aims of the practice: it is long-term and mutually dependent, it has valuable ends, and it is formalized.

2.4.1 The Domestic Case

i. Equality

In Chapter 1 I suggested that the equal moral worth of persons is a foundational claim of contemporary political theory. One way this commitment is manifest is in equal citizenship: in a democratic state, members have an equal social and political status.²⁶ While in practice there will be disparities in wealth and power, there are significant ways in which citizens are considered to be equals, and so equals in this co-operative venture. In a democratic state all citizens are given an equal vote, and are subject to the same legal system. This sentiment is often clearly expressed in the constitution of a state: the South

²⁶ There are, of course, many questions to be asked about how membership is assigned. In many democratic states there are large minority populations who do not have full citizenship but who nevertheless take part in economic and social institutions. In addition, some democratic countries refuse political rights to prisoners. These are important exceptions but do not, I think, undermine the more general claim that citizenship is based on a principle of equality.

African constitution states that ‘every citizen is equal and has a right to the rights and privileges of being a citizen of South Africa’ while the Canadian constitution includes a clause that ‘every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination.’²⁷ Some citizens are wealthier or more powerful yet in the relevant domain of citizenship, there is no official hierarchy unlike say a typical workplace with more or less senior positions linked to roles and remuneration. Democracies often have ways to honour those who are thought to be particularly good or valuable citizens, but this is an indication of a role well performed rather than a hierarchy of worth. While there are political leaders, these are considered representatives of the people, rather than an authority or more valuable member of society.

ii. Long-term and Mutually-dependent

The first feature of domestic co-operation that informs its nature is that the co-operation is sustained and mutually dependent, that is, reliant on the compliance of the majority to the regulating norms, in order to achieve a particular end. Compliance in a mutually dependent relationship can be self-interested. But, in order to be mutually dependent, a relationship must not be unstable and fragile, where one party was entirely motivated by self-interest to the point that it was likely to withdraw at any minute should a better option arise. Membership in a state is an extreme example of this kind of commitment, remaining to a large degree constant for each particular citizen and needing the co-operation of the majority of citizens to achieve a functioning state.

iii. The Value of the Goods Pursued

The goods that are produced by this particular co-operative venture are of particular importance: security, stability, and health, for example. When the stakes of the co-

²⁷ *The Constitution of the Republic of South African*, 1996, Chapter 1, Section 3.; *The Canadian Constitution*, Part 1, "The Canadian Charter of Rights and Freedoms", 1982, Section 15.

operation are high, the duties we owe to our fellow co-operators increase. We can test our intuitions with the example of a local liberal party that meets once a month to discuss liberal ideology. There is perhaps little that these members owe each other, other than to reciprocate in hosting the meeting or supplying the snacks. If however, the state they live in becomes tyrannical and the group decides that they have a duty to fight this oppression, their duties to each other will increase given the higher stakes of their interaction. Not only will the range of duties expand but also the intensity of these duties will increase. While John may not be expected to risk the use of his arm to save Darren's life while they were just fellow members of an intellectual club, when they are fellow fighters of a cause with high stakes, perhaps he would. The point is not (necessarily) that we have a duty to fight an oppressive regime, but rather, that where we do unite to pursue a valuable end, the value of the end plays a role in determining what our duties are to those with whom we participate in the venture.

iv. The Formalization of the Relationship

The co-operation within a state is particularly formalized—there are clear expectations and norms for the functioning of the state apparatus that makes for clearer insight into the kinds of duties we may have to each other within a state. By analogy, a dating couple may be on slightly unclear or shifting grounds when it comes to the duties they have to each other. It becomes much clearer the more formalized the version of a romantic relationship they have: moving from dating to in a relationship, getting married, or entering a civil union. The formalization of a relationship cements expectations and increases dependence, which multiplies the ways in which we have duties to ensure the correct functioning of this relationship.

2.4.2 *The International Case*

With these key features in mind, let us turn to examine inter-state practices. I will discuss a range of practices in which states participate. I do not wish, however, to posit one overarching international practice or to suggest that all state interaction shares these features. Each state differs from the rest in the kinds of interactions it has and organizations of which it is a member. The international case can therefore be viewed as state interactions in different dimensions and instances. I will argue that while in many cases the strength of each feature is weaker, many state interactions exhibit features similar in kind to the domestic case.

i. Equality

I have argued in Chapter 1 that states are equal moral agents. In Chapter 3 I will go into further detail of the ways in which state equality yields different results to personal moral equality. Here, I point to some ways in which this equality is manifest in international relations. The suggestion is that the analogy is between the equality of states and the equality of citizens, rather than the more foundational equal moral worth of *persons*. States are equal agents in diplomatic affairs. Just as citizens may differ in their power and influence in different areas of public life, but all have one equal vote, so too do states have disparities in power but are considered equals in many other ways. The sovereignty of each nation is an equal right for all recognized states. There is here an element of mutual recognition of each state's right to be self-determining, just as the citizenship relationship in a democracy is informed by a mutual recognition of political equality. The rights of diplomats are similarly almost universally respected regardless of which state the diplomat represents. There have been cases where these rights were not respected, such as the 1998 bombings of the US Embassies in Dar es Salaam and Nairobi, but these were stark exceptions to the norm of diplomatic relations. The WTO and the General Assembly of the

UN hold nations to be equal, and once states have signed agreements such as the Kyoto Protocol, or joined institutions such as the International Court of Justice (ICJ), they are considered to be of an equal status as members (although this may not equate to equal responsibilities or requirements). Lastly, states are equals before international law. It is clear that citizens are subject to *much* stronger and more immediate forms of coercion. States who sign various agreements are however subject to principles of international law. Not only are they subject to the terms of that particular treaty but also the norms and international law governing the making of treaties.²⁸ While some states may have not joined some organizations of international law (such as the US withdrawing from ICJ membership), those who have joined are now equally subject to a shared authority. It seems then, that while much state interaction is perceived as competitive, many of the key practices in which they participate are premised on state equality. To be sure, the aim of these practices, such as the UN or WTO is not substantive equality between states, but they are set up to be co-operation for mutual advantage between *equal* parties.

ii. *Long-term and Mutually-dependent*

States do not exist completely independently or without stable contracts: the EU, North Atlantic Treaty Organization (NATO) and the North Atlantic Free Trade Agreement (NAFTA) are clear examples of close interaction and mutual dependence. In addition, the regulation of international waters and flight paths both require intensive co-operation among states to the extent that they could not function without majority participation. Bilateral state interaction can also illustrate long-term and mutually dependent co-operative practices. Consider, for example, South Africa and Kenya: both are joint members of the UN general assembly, the WTO, the International Criminal Court (ICC), and the African Union. There is extensive trade between the two states and diplomatic

²⁸ See, for example, “Vienna Convention on the Law of Treaties.”

relations. They will often vote together on certain issues at climate change conferences or in the UN general assembly. There are many ways in which their fates are bound together. Decisions made about trade regulations or climate change will affect both countries significantly, and their propensity to vote together on these issues suggests they feel they will be similarly impacted. Furthermore, they will share decisions about whether to intervene or sanction fellow African states and their markets are reliant on each other's trade. If they were to suddenly stop all interaction, both parties would suffer. This dependence is why, if enforced, economic and social sanctions are considered effective measures to change state behaviour, and in turn why they often fail because some states are unwilling to make the required sacrifice. This kind of close co-operation and mutual dependence in the pursuit of vital aims creates duties between Kenya and South Africa in a similar way that the co-operation within a state might create duties between citizens.

iii. The Value of the Good Pursued

There are at least two clear goals of contemporary global interaction, particularly from the perspective of western liberal democracies: peace and trade. Both of these goods are imperative to the functioning of our modern societies. In addition, there is extensive co-operation focused on issues such as health, poverty, and development. Consider, for example, the World Health Organisation or the World Bank. Co-operation on issues of security is vital in order to track and prevent security threats that are increasingly trans-national. In addition to co-operative structures such as the UN or NATO, there are many smaller organizations providing co-operative forums such as the Financial Action Task Force on money laundering.²⁹ Constant negotiations and co-operation have helped to reduce (although not eliminate) the instances of war between states themselves. State co-operation is also evident through extensive trade interaction. Numerous trade agreements,

²⁹ This task force comprises of 34 states that seek to set global standards to fight money laundering and terrorism financing.

with comprehensive regulatory rules, are in place to facilitate this interaction. Strong international financial regulation also serves to aid this co-operation. The US, for example, has bilateral free trade agreements with twenty countries in addition to the NAFTA and on-going negotiations to form a regional Asia-Pacific agreement.³⁰ Without this high intensity of trade, and a shared pursuit of free trade, global markets would be considerably diminished. While in some areas of trade a reduction in the size and competitiveness of a market may appear to be valuable in the face of rampant consumerism, in other fields it would prove problematic. Shared technology and research for agriculture or medical treatment, for example, improve research through collaboration and ensures products of this research are more readily available. Furthermore, co-operation on financial regulation is pivotal in protecting the stability of markets and preventing financial crises that damage the economies of all states. This kind of financial stability and shared progress in vital areas is a highly valuable end of international co-operation, and an end that could not be achieved without this sustained co-operation.

iv. Formalized Nature of the Relationship

The regulations of the WTO, as well as the numerous bilateral and multilateral trade agreements (NAFTA, for example), are also a good indication of the ways in which a lot of state interaction occurs through formalized channels. This kind of formalized relationship over the long term creates clear expectations among parties, and importantly, often a dependency between the co-operating parties. As suggested before, this intuition is clearest when we consider the case of marriage; the institution of marriage formalizes the relationship between two parties, which leads to a stronger dependency and so clearer duties to each other. These kinds of long-term dependencies evoke stronger duties of

³⁰ “Office of the United State Trade Representative,” accessed February 23, 2015, <https://ustr.gov/trade-agreements/free-trade-agreements>.

justice than a once-off interaction would and so are a relevant factor in considering relational duties.

v. *Voluntariness*

At the beginning of this section, I discussed the impact of voluntariness on the strength and content of duties that can arise out of a practice. I argued that voluntariness is not the sole ground of relational duties. It is relevant in considering the nature of the practice that in turn contributes to the grounding of the duty, but it is only one factor in determining if there are duties at all. In the analogy between the domestic and international case, voluntariness is one way in which the analogy appears to come apart. The majority of citizens not only have no choice about the state into which they were born, but also do not have the means to relocate. States however can choose to withdraw from engagement with practices in the international realm: consider North Korea or Apartheid South Africa. States that do participate in international practices have more freedom to choose which practices they involve themselves in. The US for example participates in the UN but not the ICJ. The contrast between citizen and state freedom is not however as sharp as it initially appears. Some states are able to choose more freely than others whether to co-operate, but they are the more powerful states. Similarly, in the citizen case, it is wealthy or powerful citizens, rather than all citizens, who can choose more freely whether to co-operate. There are also some practices that the typical state has no real choice but to participate in. Consider the WTO or the agreement on international waters—ostensibly these are voluntary practices but without membership, international trade and movement would be exceptionally difficult and this would seriously damage that state's prosperity.

On the other hand, we would do well to note that the international realm is also characterized by a number of voluntarily signed treaties. Here, the fact of voluntary entry gives us extra reason to hold states accountable to fulfilling these agreements. Consider The Universal Declaration of Human Rights. Not all states are signatories, and failing to sign does not seriously impact on a state's welfare. Consider for example, Saudi Arabia's prominence in global trade despite not being a signatory to the declaration. Those who have signed have done so with a level of freedom. We may have independent reasons to hold states accountable to protect their citizens' human rights, but we have an additional good reason to hold them accountable to the commitment made in voluntarily signing the declaration—both in upholding the human rights themselves, and supporting their fellow signatories in achieving the same end.

2.4.3 Drawing Conclusions

In section 2.3 I argued that when we are grounding duties in a practice we ought to be aware of three things: (i) the underlying principle, (ii) the aim of the practice and (iii) the nature of the practice. It is these three features of a practice that determine what kinds of duties are grounded. The analogy presented in this section has sought to highlight the fact that the domestic practice of the state shares many features with some practices in which states participate. If these features ground egalitarian duties between citizens, they should similarly ground egalitarian duties between states. It is not just that the two sets of practices share an underlying commitment to the equality of the participants. If we take seriously the role that the nature and aims of the practice play in grounding duties, we have good reason to apply a similar analysis to state relations: if the value of the ends pursued by the domestic practice of the state contributes to determining the duties between citizens, then similarly the extent to which state practices pursue valuable aims should contribute

toward determining the duties between them; and, if the fact that citizens are mutually dependent on each other in a long-term, formalized practice contributes to grounding their duties to each other, this feature should do similar work between states. Insofar as state practices instantiate these features, it seems they are the kinds of practices that ground egalitarian duties for the members. Importantly, however, these features are not an ‘all or nothing’ threshold: in many cases they feature more prominently between citizens than between states, and as such more robust duties can be grounded between citizens than between states. What the argument has sought to illustrate is that duties between states as agents should be in the same, broadly egalitarian realm, as the kind of duties we find between citizens. The term ‘egalitarian in nature’ therefore serves to differentiate these duties from principles of mutual advantage that normally dominate our thinking about international relations. International relations are often characterized as self-interested bargaining for mutual advantage and so the benefits and burdens of this interaction track how well each state plays the game. The arguments here have suggested that the features of some practices between states are such that they ought instead to be governed by more broadly egalitarian principles.

2.5 Objections

This chapter has argued that the relational view is best understood as grounding duties in light of a combination of the underlying principle of justice and the nature and aims of the practice. Using this premise, the chapter has illustrated the similarities between the practice of domestic citizenship and practices in which states participate. They share an underlying commitment to a principle of equality, the practices are long term and mutually dependent, often formally structured and aimed toward valuable ends. If these features are, as I have argued, what do the work in determining what kind of duties are grounded, then

it follows that duties between states should be similar in kind to duties that hold between citizens. That is, while the weight and content of the duties might differ, they are egalitarian in kind. In Chapter 3, I will unpack what exactly this egalitarian nature is. Before that, we address some possible objections.

The first line of objection emerges when we consider that the structure of this argument is familiar: natural law theorists often thought of the state as a moral person, and so considered the law of nations in light of the law of nature that held between individuals.³¹ These theorists did not, however, draw the result that the law of nations, or duties between states, was *the same* as duties between citizens. For Vattel, the law of nature applied between states as the necessary law and there was also a further voluntary law that sought to maintain peace through ‘tolerat[ing] what cannot be avoided without introducing greater evils’.³² These two laws differed to the extent of changing the requirements of a just war and the answer to whether or not both sides could be just in their waging of war.³³ For Grotius, there was an additional ‘arbitrary law’ that referred to the laws formed through contracts between states. The justification for these differing applications of natural law to the individual and to the moral person of the state appear on the whole to be rather ad hoc, an explanation to fit the existing norms rather than a considered and unbiased analysis of what is required.³⁴ The arguments I have presented will need to withstand this kind of objection; that is, that the view is skewed to justify existing norms. In contrast, the view is also vulnerable to the charge of not accurately characterizing the international order. To

³¹ Consider, for example, Vattel, *The Law of Nations*.; Thomas Hobbes, *Leviathan* (Oxford: Clarendon Press, 1909), <http://oll.libertyfund.org/titles/869>.

³² Vattel, *The Law of Nations*, 593.

³³ *Ibid.*, 591.

³⁴ The argument is grounded on something like the fact that each state, as a moral person, has a right to its free independence and a world with multiple states with this right would lead to many evils thus necessitating a more practical rule to govern. This differs from the citizens’ freedom as the citizen has given up their rights to the state in a way that states do not given a lack of a central authority.

some, the state is fundamentally self-interested. Others hold that the lack of a central authority beyond the state makes the global and domestic realms irrevocably incomparable. There appear therefore to be at least two main lines of objection to the view set out in this chapter: that the domestic and international case are just not in fact analogous, and secondly, that if they are, they should result in equally strong requirements of distributive justice. The responses to these objections go hand in hand: I will argue that the view need not (and does not) hold that the domestic and international cases are completely analogous and that this in turn helps to explain how similar in kind, although not similarly demanding, duties can arise. I set out the different aspects of the *disanalogy* objection and in responding to these will address the *different output* objection.

One strain of the disanalogy objection points to apparent differences between practices of citizenship and practices between states. I have referred to both as co-operation yet interaction between states is often characterized by a lack of equality and the unilateral exercise of power. If we understand co-operation as willing parties acting together toward a shared goal, it seems an inaccurate label for state interaction and disanalogous to the more egalitarian notion of citizenship. Moreover, as I have argued in Chapter 1, equality between states is of a different kind to equality between persons. It is the equal moral worth of persons that underlies the equality of citizens which, it could be argued, is just fundamentally different to the equality of states, that is rooted in their equal agency and function (see s.3.2). In Chapter 3 I will delve more deeply into the nature of this equality between states. We should recall here however, that there are two levels to the arguments establishing equality between states: there is firstly the claim that states are considered formal equals in international relations, and secondly, the argument that this commitment to state equality is plausible if we understand state equality to be grounded in states' equal

agency (see s.1.2). There are therefore two ways to interpret the arguments presented here. Firstly, we can make the claim that *if*, as it appears, states wish to hold on to the claim that these practices, such as the UN or the WTO are committed to a principle of state equality, *then*, they ought to accept that these practices ground duties that are egalitarian in nature. The second, stronger, claim is that in addition to state's commitment to formal equality, there are good reasons to believe that states *are* equals based on their equal agency. As such, their practices need to take this underlying principle into account.

Here, I will point to a few examples that ostensibly suggest divergences between the commitment to equality we find between states and that between citizens, but upon examination reveal closer analogies. Firstly, we might think that the fact that states feel entitled to, at times, intervene in the affairs of other states suggests their commitment to equal sovereignty is weak. I have suggested that states are equals insofar as they are equally representing their citizens (s.1.2). In many cases, intervention is against states that do not function as equals on the global stage because they are not representatives of their citizens. While we may owe them other duties, we do not owe them equal standing. Furthermore, citizens, just like states, at times do not treat their fellow citizens equally in order to better respect the underlying principle of equal moral worth: a person suffering from mental illness or drug addiction is institutionalized against their will or a person who endangers the community is imprisoned. These exceptions do not negate a commitment to the underlying principle of equality. In fact, they illustrate a deeper commitment to the well-being of these equal agents, or a commitment to creating a society of equals. Secondly, it can appear as if states only respect each other for practical reasons: to maintain peace or to benefit from trade. Yet the international order respects even the smallest island states, even where there is no practical gain to be had. Lastly, we might

object that equality between states is only formal and does not manifest itself in daily interactions of states. This may well be accurate, but it is not disanalogous to equality between citizens. Citizens have equal electoral power and are equals before the law but everyday interactions sadly do not reflect this equality and instead are often tainted by unequal power relations. In both these cases citizens and states are not acting in line with principles they claim to uphold. This weakness of will, or inconsistency, does not however render the commitment to a principle void.

One could also argue that the domestic and international cases are disanalogous because the value of the state far outweighs that of international co-operation. I have suggested that the domestic practice and international practices function to provide particularly valuable goods, yet one could argue that it is possible for states to survive without interacting with other states, or at least without participation in established practices of international co-operation. Consider, for example, North Korea. On the other hand, airspace control or the regulation of international waters are difficult for individual states to maintain without co-operation with others. Indeed, new, shared challenges such as climate change are further eroding a state's ability to isolate itself from international co-operation. We also should not underestimate the value of trade; where a state has an underdeveloped pharmaceutical industry but faces an epidemic, for example, that state will rely heavily on trade in order to provide for its people. Consider, for example, African states' reliance on anti-retrovirals from US (or increasingly Brazilian or Indian) pharmaceutical companies in responding to the HIV/AIDS pandemic. Similarly, few states are able to fulfil their energy needs without importing gas, petroleum, or uranium, and harsh environments in some states severely limit the range of food that can be grown domestically. While states have attempted to remain self-sufficient, their citizens suffer without access to resources available through

the international markets. The goods provided by international co-operation are therefore not to be underestimated. Nevertheless, this discussion also points to a response to the second, *different output* objection. While co-operation in the international sphere aims toward ends that are valuable to us, the ends of the domestic case are arguably more immediate and essential to our everyday lives and so warrant a larger and more stringent set of duties to ensure its survival.

Another aspect of the disanalogy objection points to a potential mistake in the structure of my argument in this chapter. While in the domestic case we are discussing one overarching practice, in the international case we turn to what I have termed ‘different dimensions and instances’ of state interaction. The comparison is therefore between two different kinds of things—perhaps best understood as independent practices (separate practices such as the WTO or the Commonwealth) and systematic practices (the practice of the state). Are the features of a systematic practice relevant to analysis of independent practices? The objection would deny that they are, suggesting that it is the systematic or pervasive nature of the practice within the state that grounds duties of distributive justice. We could, as Aaron James does, argue that there is a systematic global practice. James argues that ‘the global economy is organized by a distinctive kind of international social practice, a social practice in which countries mutually rely on common markets.’³⁵ But if we acknowledge the different levels of pervasiveness or as Risse has termed it, ‘immediateness’ of practices on the international and domestic level, we gain tools to answer the question of how we can justify more demanding duties in the domestic context even when we consider the international context to be analogous.³⁶ The argument is not that the domestic and international level are directly analogous, but that they share similar kinds of underlying

³⁵ James, *Fairness in Practice: A Social Contract for a Global Economy*, 17.

³⁶ Risse, *On Global Justice*.

principles, natures and aims. This similarity suggests that the duties the practices evoke should be similar in kind. That is, the relational duties between states are similarly egalitarian in nature, but less numerous and stringent than those found between citizens. This disparity occurs because the relations between states are less systematic and in pursuit of less immediate, valued goods. In addition, the equality between states is an equality of standing, not equality of moral worth. For this reason too, the duties that the relations evoke are similar in kind, but fewer in number and less stringent in moral force.³⁷ The large-scale nature of states and their interaction means however that the fulfilment or failure to fulfil these duties has widespread implications and so while they may be fewer in number or less stringent than domestic duties, we have reason to pursue their fulfilment.

2.6 Conclusion

This chapter has argued that there are duties of justice between states based on the shared practices of which they are a part. The argument was built on an analysis of the way relational views work; I argued that even those views that claim to be completely practice-dependent are relying on an underlying commitment to a principle of justice. This principle of justice, along with the nature and aims of the practice together ground duties of justice and inform the kind of duties that are present. This argument was illustrated by an analogy between the domestic and international case that suggested that the similar underlying principle, nature and aims indicate that duties between states should be similarly egalitarian in nature, although weaker in strength, to those we find at the domestic level. This claim leads to a further set of questions about what these duties might

³⁷ The comparison here is between the range and stringency of duties that citizens have in virtue of their citizenship in comparison to the range and stringency of the duties states have in virtue of their statehood in an global environment. Although state duties have been grounded using an analogy to the citizen case, I have argued that the resultant duties will be fewer in number and less stringent. This is not to be confused, however, with later arguments about the balance between relational and non-relational duties (s.3.5.2), and citizens' individual inward and outward-looking duties (s.7.3.2).

look like, and how they might play out on the global stage. In the domestic case these duties are outsourced to the state, a luxury that is not available in the international case. In the next chapter, I will elaborate on the egalitarian nature of these duties and argue that they are best realized by a principle of equality in negotiation.

CHAPTER 3: Specifying the Duties

3.1 Introduction

The previous chapter relied on an analogy between the domestic and international sphere to argue that there are relational duties between states that are egalitarian in kind. This chapter will turn to the task of explicating these duties. An analogy to the domestic sphere proved useful in highlighting the presence of relevant, duty-grounding relations at the international level. Here it becomes less helpful: a lack of central institutions and the corporate nature of the agents change the character and implementation of these egalitarian duties. At a domestic level many of our duties as citizens are outsourced to, and regulated by, the state. In addition, the content of our duties are specified by the community, through the legal procedures of the state. In a liberal democracy, for example, we are expected to vote in elections and pay our taxes. When and how and how much is specified for us through our collective procedures. I have argued that the lack of a coercive central authority in the international sphere does not rule out egalitarian duties between states. Instead duties are grounded within specific practices between two or more states. States need, therefore, to determine what their duty requires of them in each practice, and how best to fulfil it. This can be done together in large practices and can be formalized within that practice if the participating states agree. Nevertheless, it is not a case of adhering to a particular set of rules but of identifying and assessing what is required by each practice.

The previous chapter specified that these duties would be egalitarian in kind. There are, however, many views on what equality requires, most of which focus on personal equality. In Chapter 1, I analysed the differences between the language and arguments we use to discuss equality between states and equality between persons. I argued that the kind of

equality owed at the international level is *equality of standing* as distinct from on the one hand, equality of moral worth and on the other hand, mere equality of status before the law. Drawing from these insights, in this chapter, I will outline the principles of the central requirement of equality in the international sphere: equality in negotiation. Section 3.2 will define what is meant by ‘egalitarian in kind’ and will argue that between states, equality is best conceived as relational equality. That is, an equality in relationship rather than resources, opportunity or welfare.¹ In Section 3.3, I will argue that this relational equality grounds a principle of equality in negotiation. In section 3.4 I will consider three possible objections to the principle of equality in negotiation. Firstly, I address the concern that the principle of equality in negotiation is the same as, or does not offer more than, principles of fair co-operation, and secondly, I address the same concern for the principle of non-exploitation. Thirdly, I will engage with the worry that the principle will result in states being forced to participate in non-beneficial exchanges and agreements. Lastly, section 3.5 will conclude both this chapter and Part I. I will specify states’ non-relational duties and in doing so complete the bigger picture of what states owe to each other. Finally, I will bring these two sets of duties together and discuss how they relate to each other in practice.

3.2 Defining ‘Egalitarian in Kind’

Elizabeth Anderson argues that the real point of equality lies in its relational value. What matters is our ability to relate to others and to be treated with respect, rather than whether we have equal resources, welfare, or opportunity. On her view, equality is a social relationship rather than a pattern of distribution.² An equal social relationship is intimately

¹ The duties discussed here are therefore relational in two senses: firstly, they are grounded between states in virtue of relations (practices) in which states participate, and secondly, the duties seek to create equality in the *relations* between states. While these two senses of relational often, and here, come together, they are not dependent on each other.

² Anderson, “What Is the Point of Equality?,” 313.

bound up in the distribution of goods but ‘the basis for people’s claims to distributed goods are that they are equals, not inferiors, to others.’³ This relational conception of equality is salient in the international context. Pure cosmopolitan worldviews could support a resource- or welfare-based distributive account of global equality or sufficiency between persons.⁴ Yet the case for equal resources, opportunities, or welfare is less obvious between states. States differ vastly in size and natural circumstance. Calculations made to balance these factors will rely heavily on welfare, resources, and opportunities of each state’s citizens rather than the state itself. Comparative wealth between two states can only be meaningfully assessed when the population size of each state is taken into account. These calculations matter, but they move us away from our concern of state equality; to be sure, inter-state relations are just one part of global justice concerns and other principles may be appropriate when considering the well-being and status of individuals globally. At the level of states as agents, however, equality is best explored as a social relation.

It may seem an odd conclusion that it is social relations that matter between states given that states are a much thinner type of agent than persons. There are fewer kinds of relations between states as agents than persons. States do not have intimate personal relations or the extensive interdependency that humans can develop. The relations between states are *political* relations. They include longstanding agreements such as the neutrality of international waters, the maintenance and regulation of the trade regime, and extensive diplomatic engagement. The cost of inequality in these relations rests in the outcome: the weaker party receives less benefit from interactions. This is true too of personal inequality

³ Ibid., 314.

⁴ See, for example, Caney, *Justice beyond Borders: A Global Political Theory*.; Brock, *Global Justice: A Cosmopolitan Account*; Andrew Kuper, “More Than Charity : Cosmopolitan Alternatives to the ‘Singer Solution’.” *Ethics and International Affairs* 16, no.1 (2002): 107–128. David Held, *Cosmopolitanism: A Defense* (Cambridge: Polity Press, 2003).

but inequality between persons also creates the emotional and psychological costs of being treated as inferior. It might appear as if inferior treatment of states could result in similar psychological damage, such as in the case of colonialism. While the worry is similar, in those cases the relevant agents are the citizens or perhaps the collective of citizens and not the state itself. On the one hand then, there is much more at issue in equality between persons than between states, yet on the other hand, the detrimental outcomes that stem from inequality between states are multiplied when we consider all the citizens they will affect. Although the relations differ from interpersonal relations, there is much at stake in relations between states and as such it is an apt location for equality.

On Anderson's account of 'democratic equality' we should 'seek equality in the capability or effective freedom to achieve functionings that are part of citizenship, broadly construed.'⁵ What matters for democratic equality is whether each individual is able to function as an equal citizen, both formally and in civil society. We are only required to have equal resource distribution insofar as it prevents citizens from being oppressed by others or being able to function as an equal.⁶ Anderson argues that there is both a positive and negative demand of equality: 'negatively, people are entitled to whatever capabilities are necessary to enable them to avoid or escape entanglement in oppressive social relationships. Positively, they are entitled to the capabilities necessary for functioning as an equal citizen in a democratic state.'⁷ Applied to equality between states, this theory would suggest that states ought to be able to function as equals in their relations with other states. They are entitled to what is necessary to avoid an oppressive relationship with another state and what will enable them to function as equals. Democratic equality does

⁵ Anderson, "What Is the Point of Equality?," 321.

⁶ Ibid., 320.

⁷ Ibid., 316.

not guarantee actual levels of functioning, but effective access to those levels. Importantly, it does not guarantee *equal* access to levels of functioning but effective access to levels of functioning ‘sufficient to stand as an equal in society.’⁸ This threshold gives the view a sufficientarian character that is particularly appropriate in the international sphere. In the previous chapter I emphasized the fact that duties between states were similar in kind, but likely to be fewer in number and less morally stringent than domestic duties. A sufficientarian approach is egalitarian in nature but it is a weaker claim than strict substantive equality. In addition, the threshold to achieve substantive equality of standing between states will be lower than the threshold for equality of relations between citizens of equal moral worth. Citizens interact with, and depend on, each other more frequently and in more ways than states do. This higher standard and intensity of interaction means that citizens are likely to owe each other more relational duties than states owe to each other. This democratic equality view captures what is at stake in the international sphere, what matters is not strict equality but substantive equal standing in the decision-making processes that guide and shape the international sphere.

By analogy with Anderson’s account of democratic equality, states are owed that which is sufficient to enable them to act as equals on the global stage and to be protected against oppression. Democratic citizenship, though, is a rich concept that contains elements to which states do not have access. One might argue that it is these elements that are doing the work in the argument, making the argument inapplicable to state relations. As I have illustrated there is a difference between the equal moral worth view of persons and the equal standing view of states so we ought to be mindful that a direct analogy could be misleading. The analogy is however with the reasoning of Anderson’s argument, not the

⁸ Ibid., 318.

content. What equal states owe each other may well be very different to what equal citizens owe each other. The core idea of democratic equality is however transferable. The argument is that if X is owed equality in group Y, then X is owed that which will ensure that it is not in an oppressive relation with any members of Y and that it has the functionings to enable equality in relations with members of Y. While the nature of 'equality in group Y' differs, and so 'that which will ensure' has different content, the logic of the argument can assist us here.

This relational view has a number of advantages in Anderson's interpretation: firstly, it allows us to analyse injustice beyond the distribution of resources and one's fixed personal traits, to 'social relations and norms, and the structure of opportunities, public goods, and public spaces.'⁹ Secondly, it distributes goods based on our equality rather than pity for those who are less talented, and lastly, it moves us closer to the demands of egalitarian political movements: the demands made not by 'beach bums' or those with expensive hobbies but by the oppressed and marginalized of society.¹⁰ These advantages also apply to the international sphere. Redistribution, or special care to other states, ought to be based on the fact that states are equals, not a sense of pity for the underdeveloped communities. This approach has value in fostering a more egalitarian international sphere, and it matches on to the current demands of states not to be given special treatment and aid because they are less well-off, but for past injustices to be rectified or compensated for, and for the system to be such that their success is possible.

⁹ Ibid., 319.

¹⁰ Ibid., 337.

In this section I have argued that state equality is best conceived as equality in relationship rather than equality of resource, opportunity or welfare. Duties that are egalitarian in kind will therefore be duties that enable substantive equality in standing, understood as having sufficient functionings to ensure a state is not oppressed by another and that it is able to act as an equal on the global stage.¹¹ In the next section, I will argue that this state equality when applied to practices between states requires a principle of equality in negotiation.

3.3 Equality in Negotiation

3.3.1 *Why Negotiation?*

In our daily economic transactions trade is governed by a principle of *quid pro quo*. Our free choice to enter into this transaction plays a central role in legitimating it. We *agree* to certain terms of transaction that limit what we owe to each other. If Samke offers to sell her bicycle for £50 to Afika, once Afika agrees to purchase the bicycle and gives Samke £50, all Samke owes him is the bicycle. There are no further duties beyond upholding one's side of the agreement. This understanding often informs our view of international trade and treaties, where we have a tendency to see negotiations as 'free-standing cases of bargaining'.¹² However, international agreements are often complicated and multifaceted, covering multiple different trade goods and conditions. The calculation a state faces could be a balance between favourable terms for textiles but disadvantageous terms for agriculture. In other words, frequently terms are to the advantage of one party but of much lesser advantage to the other(s). In the kind of practices we are discussing it is not a one-off transaction equivalent to Afika buying Samke's bicycle. Instead states are negotiating

¹¹ We should note that 'equality of standing' is the baseline principle between states, analogous to the principle of equal moral worth between persons. Where I refer to *substantive* equality of standing, I refer to the further, relational equality that the principle of equal standing grounds between states, analogous to arguing that the principle of equal moral worth grounds equality of resources or welfare between persons.

¹² Charles Beitz, "Does Global Inequality Matter?," *Metaphilosophy* 32, no. 1–2 (2001): 109.

the terms of trade that will affect multiple transactions. This could be an all-encompassing free trade arrangement (such as the NAFTA) or an agreement relating to tariffs or quotas in a particular industry (such as the 2006 China-South Africa textile pact).¹³ Many seemingly separate negotiations are often closely linked: the position one takes on an issue of climate change could have a lasting impact on a trading deal, and non-compliance on an issue of intellectual property could result in sanctions in other areas. Negotiations are therefore crucial in determining the benefits and burdens that each state bears. While practices are based on participation between equals, this equality does not manifest itself in negotiation. The stakes are high in many of these interactions making the inequality in negotiation stark against a background of formal equality of status.

We might think that negotiations are not the right place to look to enforce justice as states freely choose to participate in them, just like Afika and Samke agreeing to their transaction. Many of the interactions I will go on to discuss are defended on the ground that states freely participate in them. We should be wary of a free choice defence, however, because it is commonly accepted that practices such as the WTO or the UN are not purely voluntary. Writing of the WTO, James argues that ‘it is now widely believed that no country involved can afford to quit the system, and that no country can afford not to join.’¹⁴ That being said, the liberal idea of choice providing justification can at times creep into our outlook on international affairs. Miller picks up on this intuition in his discussion of exploitation when he suggests that exploitation in the market is at first sight puzzling because market transactions are by their nature voluntary.¹⁵ In addition,

¹³ “Trade and Industry on MoU with China in Clothing and Textile Sector,” *South African Government: Newsroom*, 2006, <http://www.gov.za/trade-and-industry-mou-china-clothing-and-textile-sector>.

¹⁴ James, *Fairness in Practice: A Social Contract for a Global Economy*, 81,173.

¹⁵ David Miller, “Exploitation in the Market,” in *Modern Theories of Exploitation*, ed. Andrew Reeve (London: Sage Publications, Ltd., 1987), 149.

commercial consent is often thought to be in a separate category with different limitations on consent; in trade, hard bargaining is consistent with valid consent.¹⁶ This is so even when, at times, this involves withholding relevant information or influencing others to accept an agreement. I am not going to focus on the question of what makes consent valid. Even with a Hobbesian concept of forced consent, we can ask questions about whether this consent is a product of injustice.¹⁷ We may not wish to say that the consent is invalid, but it gives us good reason to tackle the underlying injustice rather than accept the resultant conditions as just *because* they are the result of free choice. When individuals or groups systematically choose options that disadvantage them, and on the swing side advantage others, a focus on the choice misses the more salient point of injustice. This is particularly true where the advantaged group or individual is influencing the disadvantaged group to make that choice.¹⁸ One illustrative example is found in international intellectual property rights (IP). IP laws are domestic: each state determines for itself the extent of protection that is provided.¹⁹ With the introduction of the Trade Related Aspects of Intellectual Property Rights (TRIPS), and its attachment to membership of the WTO, states' IP laws are now externally regulated by the set of principles set out in the TRIPS. In some cases it has been clearly to the disadvantage of states to comply: consider South Africa (as well as India, Brazil or Thailand) in its attempt to combat the HIV/AIDS pandemic. In the end, South Africa chose compliance (and so disadvantage), but only after pressure was exercised. Both the US and the EU publically criticized domestic laws allowing for generics, and the US put South Africa on its 301 Special Watch List (which can lead to

¹⁶ Franklin Miller and Alan Wertheimier, "Preface to a Theory of Consent Transactions: Beyond Valid Consent," in *The Ethics of Consent: Theory and Practice*, ed. Franklin Miller and Alan Wertheimier (Oxford: Oxford University Press, 2009), 89.

¹⁷ Hobbes, *Leviathan*, Ch.XIV.

¹⁸ This argument is most effectively made in feminist literature. See for example, Claire Chambers, *Sex, Culture, and Justice: The Limits of Choice* (Philadelphia: Penn State University Press, 2007), 121–125.

¹⁹ Holger Hestermeyer, *Human Rights and the WTO: The Case of Patents and Access to Medicines* (Oxford: Oxford University Press, 2008), 19.

sanctions).²⁰ What this illustrates is that freely choosing to sign an agreement is not sufficient to justify the content and consequences of the agreement. Free choice can be compromised by background injustice and so we need to go deeper in order to conceptualize justice in international relations.

We also might be concerned that negotiations should not be our focus for equality as, by their nature, they are meant to be competitive. It would be unrealistic to attempt to neutralize differentials in bargaining power, and it could undermine the progress we achieve in a competitive free market. It is important therefore that we keep in mind that the principle that will be set out in section 3.3.2 does not apply to all inter-state interactions, or indeed, to interactions between non-state actors. It applies to the practices in which states participate that are based on principles of equality between participants, are long term, mutually dependent, and aimed toward valuable ends. When states are negotiating (or re-negotiating) the terms of these practices, or exchanges within these practices, negotiation ought to be governed by a principle of equality. The principle therefore applies to negotiations within the UN, the WTO, Climate Change negotiations, free-trade agreements, international tax regulations, the ICC and ICJ, and so on. It does not apply to one-off exchanges of goods between states or indeed the cross-border trade that occurs between non-state actors. What we are interested in here, are the duties that arise because of the practices in which states participate. These practices form the background conditions for much of the interaction that occurs globally, but they do not themselves constitute all interaction.

²⁰ Ibid., 13.

3.3.2 Defining the Principles

I have suggested that the model of the argument for democratic equality offers insight into equality between states. The argument is that if X is owed equality in group Y, then X is owed that which will ensure that it is not in an oppressive relation with any members of Y and that it has the functionings necessary for substantive equality of standing in its relations with members of Y (see s.3.2). This captures both the positive claim of equality, whereby we ought to be able to act as an equal, and the negative claim whereby we ought to be free from oppressive relations. Applied to the international context, we can form two principles of equality in negotiation.

- (i) States should have equal access to the tools of negotiation such as the relevant information, research and strategy expertise, and administrative support.²¹
- (ii) States need to have a reasonable degree of parity in bargaining power such that one state does not have the power to unduly influence negotiations.
 - a. Where there is inequality in bargaining power, special consideration and guarantees ought to be given to the weaker party such that
 - i. they are compensated for the effects of their inequality in negotiation and
 - ii. the arrangements move them closer to being a participant of equal standing in the practice.

Principle (i) secures the ‘functionings to enable equality’ while principle (ii) secures against oppressive relations. Note that this position of substantive equality does not require actual material equality but rather substantive capacity to participate. These principles

²¹ Currently, the discrepancies in capacity at international negotiations are vast. This is discussed further in s.3.3.3

exist alongside each other rather than one being prior to the other. In order for justice to be upheld, both principles need to be respected.

Principle (i)

We have all experienced those debates where we are pushed into a corner by an insistence on facts, statistics, and appeals to authority, or those where the other party focuses purely on small logical inconsistencies or errors without taking time to help create the charitable interpretation of your viewpoint. In these kinds of debates we run the risk of losing sight of good ideas, of failing to respect the views of others, and generating an environment where people don't feel able to contribute their view. These issues are exacerbated in negotiation where the discussion is by its nature at least somewhat competitive, and the outcome has real implications for the welfare of those involved. One way to combat this imbalance is to enable all parties to have access to the facts and resources in order to develop their own interpretation of them. Resources and expertise are also key to developing a good strategy in presenting this information and ensuring it is not undermined by errors in presentation. As such, access to the tools of negotiation is central to being able to function as an equal in negotiation. As Beitz suggests, 'inequality of resources [in both domestic and international cases] distorts the process of political decision making by causing some interests to be weighed more heavily than they should be, given their nature and urgency, and others less.'²²

²² Beitz, "Does Global Inequality Matter?"

Principle (ii)

The resources and information to negotiate effectively are vital, but alone not sufficient to secure equality in negotiation. There is also a requirement for what I have termed 'a reasonable degree of parity in bargaining power.' If, for example, it is clear that one state needs desperately to trade with the other for the survival of their industry, but the other state has many trading options, then the balance of power is such that one state is able to influence the negotiation to their favour. States do not have to be substantively equal in order to meet this requirement. The parity is only required to the extent that it ensures that, with equal access to the negotiation tools, states are not able to oppress or dominate another through negotiations. This is relevant both in the negotiation of the terms of agreement and in enforcing these terms. For example, currently some poorer states are unable to effectively take advantage of the WTO's Dispute Settlement Understanding when more powerful states violate WTO regulations. The issue then is not just in how the agreement is reached but also in its fulfilment. Asymmetries in enforcement create a further imbalance in bargaining power. When a more powerful state is able to violate disagreements with impunity, it both disrespects the equality of the other state(s) party to the agreements and it widens the scope of its bargaining strategy. If negotiators are aware non-compliance is a viable option, they could, for example, agree to terms with no intention of keeping them in order to leverage further concessions from the other party.

In reality much negotiation is between parties that differ greatly in bargaining power, both economically and politically. These negotiations are imperative to international relations and should continue. Consider, for example, climate change negotiations that are between parties who do not fulfil principle (ii). The second clause of the principle deals with these situations. The duty is to provide special concessions and provisions to compensate for

what they would lose due to unequal standing in the negotiation. In addition, the negotiation and its outcome should be such that it moves the state towards substantive equality of standing in the practice. This could mean, for example, that a weaker state will receive proportionally more benefit from a trade deal, or that direct financial or technical transfers are included as part of a treaty. These conditions should not be seen as after-the-fact compensation for unequal agreements. States have a duty to include these considerations within the negotiation so that, insofar as it is possible, the interests of states are equally represented in the outcome. If it is not possible for the participating states to actually have an equal standing in the negotiation then states have a duty to act *as if* they did. That is, they have a responsibility to take the views and interests of the weaker parties into account to the same degree they would if they were on an equal footing.

These are the principles governing the equality in negotiation but they do not specify the content or strength of the duties. This will depend on the practice that they are governing. The strength of duties will vary according to the extent to which the practice has the grounds set out in Chapter 2: it embodies a commitment to a principle of equality, it is long term, mutually dependent, and aims toward valuable ends. The UN, for example, will create fairly strong duties given that there is a strong commitment to equality in a long-standing, formal practice.²³ The mutually beneficial and valuable aim is to secure peace among nations and to ensure the protection of human rights. The content of the duties will vary according to the actual conditions: where member states are vastly unequal in wealth and power, say for example in the WTO, there will be more that needs to be done in order to ensure that states are not in a position to dominate, than in the smaller and less diverse EU. Creating equality in negotiation is unlikely to be straightforward and will need to

²³ The Security Council undermines this, but arguably is in place as a compromise to ensure commitment rather than because the organisation considers hierarchy appropriate. More on this in s.3.3.3.

engage with historical factors and overlapping practices. One measure in a certain practice might aid negotiation in that practice but hinder it in another. The content is perhaps the hardest part to navigate as it relies on very complicated and ever changing empirical factors. In the following section I will offer two examples to illustrate how we might go about specifying the duties and what the content of these duties might be in particular cases. I will first discuss the UN and second, one-crop economies in trade agreements.

3.3.3 The Content of the Duties

The UN already does much to secure equality such as equal membership in the general assembly and a rotation of roles in other committees. There remains however a discrepancy in support that different delegations have in their capacity as representatives of their state. For example, the US delegation has five ambassadors which allows for specialization of roles such as an ‘alternative representative for special political affairs.’²⁴ Nigeria (and many other states) has only one ambassador and a deputy.²⁵ This is further exacerbated in the discrepancy of technical and specialized support staff. The principle of equality in the negotiation would require that the UN work toward offsetting this inequality in order to ensure an equal capability to participate in the many critical negotiations based in the UN. This could be achieved by capping the staff or resources used, or, more fruitfully, developing a scheme which encourages states to share technical resources, to mentor staff, and subsidize those who are not fully able to participate. Equality in negotiation is also undermined by the veto power held by five members of the Security Council. This inequality in negotiation does not suggest that the UN has no

²⁴ “United States Mission to the United Nations,” accessed February 22, 2015, <http://usun.state.gov/leadership/c64555.htm>.

²⁵ “Permanent Mission of the Federal Republic of Nigeria to the United Nations, New York.,” accessed February 22, 2015, <http://redesign.nigeriaunmission.org/>.

commitment to equality. As I suggested, at its foundation, the UN is committed to a principle of equality, stating in its preamble that it seeks to uphold ‘the equal rights of [...] nations large and small.’²⁶ We can argue, therefore, that the UN is based on an underlying principle of equality (and so likely to evoke duties that are egalitarian in kind) but that it fails in upholding this principle in the Security Council. The vetoes go against the most basic egalitarian principle of an equal vote as well as our principle (ii) that states should not be in a position to dominate other states. The veto has frequently been used to suppress opposing opinions and as an expression of power. The principle of equality in negotiation would therefore require that the UN has a duty to remove these veto powers. To be sure, this duty can be outweighed by other considerations. Arguably, these vetoes are pivotal to the continued existence of the UN, or essential to a central aim of peacekeeping between major powers. This countervailing consideration could change the content of the duty. The duty could require that the UN first focus on addressing the power imbalances between members as a basis to allow structural change. Or, it might be a duty to increase the voice of smaller states to mitigate the dominance of the veto powers. While the principle of equality in negotiation remains the foundational commitment, the content of the actual duties will be determined by the empirical circumstances of the practice itself. We cannot here then detail the many duties that states will owe in their negotiations. But let us turn to one more example to illustrate the process of determining these duties: one-crop economies.

One challenge to equality in negotiation in trade agreements is one-crop economies. These are economies that rely very heavily on the exporting of one good, normally a cash crop such as sugar, coffee, or cocoa. These economies are vulnerable to fluctuation in demand

²⁶ “Charter of the United Nations: Preamble.”

and price of their good as well as natural influences such as drought, pests, or disease. This vulnerability weakens their position in negotiation because they rely so heavily on the outcome and often are not the sole providers of the good (for example, both Burundi and Ethiopia rely heavily on coffee exports).²⁷ The nature of the world economy encourages specialization so that, through free trade, we can most effectively cater for our needs. This environment, as well as a lack of natural and human resources, makes it difficult for these states to diversify and remain competitive. Since the solution cannot simply be to diversify, we need to think of alternatives. One option is a scheme of insurance for crops that insures against crop failures due to natural disaster or crop disease. The principle of equality in negotiation would require that the dominant state facilitate the setting up and maintenance of the insurance scheme. Without this scheme the insurance would be owed by the state(s) in the shared practice; not to have to buy the sub-standard crop, but to provide support in the form of aid or loans with favourable terms. Where the problem is a change in demand, a state would not be able to exit the practice without warning or support. If, for example, a certain natural resource is replaced by a technological advance, the demand for that resource collapses rapidly and seriously damages the economy of that state. Technological advances are, on the whole, a good thing and should be embraced, but the cost of this advancement should be shared among the states involved. The practice that had aimed towards making the existing resource readily available should provide transitional support to the state that co-operated in providing this resource, particularly when the practice influenced the state into being a one-resource economy.

²⁷ Food and Agriculture Organization, "Dependence on Single Agricultural Commodity Exports in Developing Countries: Magnitude and Trends," 2002, <http://www.fao.org/docrep/005/y3733e/y3733e0d.htm>. These economies have mainly, but not exclusively, developed historically through colonial influence. There might therefore be reasons of historical injustice at play in how we deal with these vulnerable economies but I will leave these aside for now.

This discussion has simplified the process for ease of exposition, but we should keep in mind that the relation is more complex than X buying from Y. The kinds of practices that we have in mind are the participation in, for example, CAFTA-DR which is a free trade agreement between the US and a number of smaller Central American states such as the Dominican Republic, Costa Rica and El Salvador. This agreement is clearly mutually beneficial: two-way goods trade has increased by over 71 per cent.²⁸ Yet many of these countries have one crop that dominates their exports. It is not that the US government itself is purchasing the bananas or sugar but that it is arranging the system such that it encourages US companies to import their sugar from these states rather than another and so creates a reliable stream of trade between the two states such that if it was suddenly halted it would be detrimental to the welfare of those states.

These two examples illustrate the diversity of what the principle of equality in negotiation might require. All of these duties are, at their roots, grounded in the principle of state equality. This principle, applied to certain practices (as described in s.2.4.2) grounds a principle of equality in negotiation. The circumstance of each practice and standing of the states participating will shape what specific duties states owe in that practice. These duties ought to guide and shape negotiation processes that characterize many of the relevant practices. At the end of successful negotiations states will agree on certain terms for a specific interaction or for the governing of the emerging practice. These terms are a further specification of what states owe to each other. They stem from the commitment to equality in negotiation but are further grounded in the act of agreement. As I suggested in section 2.4.2.v, voluntary agreement can serve to ground our duties. It also gives us an additional reason to expect compliance with these duties. At the negotiation stage the content of the

²⁸ “Office of the United State Trade Representative.”

duties is dependent on the states involved; while we can objectively analyse and criticize the decisions made, ultimately it will be the states involved who make the decisions about how to best fulfil the principle of equality in negotiation in a particular instance.²⁹ Once this decision is made and agreed upon, however, we as citizens have the resources to call upon states to comply with specific requirements of equality in negotiation, such as participating in the suggested UN programme of staff mentoring. A state's duty to comply with agreements is grounded in the voluntary choice to enter into that agreement. Where the agreement is specifying a duty that is required by the principle of equality in negotiation, this more foundational principle reinforces the duty to comply.

3.4 Possible Objections

Upon reflecting on the principle of equality in negotiation, one might wonder whether it is any different to a principle of non-exploitation or a principle of adhering to 'fair terms of co-operation'. I would like to address this concern here. There are two parts to the worry: are these just the same ideas with different names? And if not, does the principle of equality in negotiation add anything that these concepts aren't able to offer? I will first discuss fair terms of co-operation, drawing on Miller's conception of fair terms of co-operation as a principle of global justice and James' principle of fairness in a theory of global trade, and secondly will discuss a more general understanding of exploitation. Thirdly, I will consider an objection of a different nature, namely, that the principle of equality of negotiation would create one-sided agreements, and so deter wealthier states from participating.

²⁹ This is not *necessarily* the case: states could agree to form some kind of regulating body that specified the requirements of the principle of equality in negotiation in each case.

3.4.1 Fair Terms of Co-operation

Miller characterizes fair terms of co-operation as ‘an international order whose rules allow poor societies adequate opportunity to develop’ and allows them ‘to choose between different policies to achieve this.’³⁰ The principle of equality in negotiation incorporates these ideas but is not fully captured or specified by them. Miller suggests that there can be reasonable disagreement about what constitutes fairness in international co-operation. He draws this conclusion from the difficulty in determining whether states are benefiting equally from the transaction. How do we select a baseline to measure against, or a neutral currency of benefit? While Miller only suggests that ‘we might propose’ that fairness requires an equal share of the benefit, he does not consider any other options here but holds that while there is reasonable disagreement about fairness, many cases in contemporary exchange are so blatantly unfair that we can all agree.³¹ The principle of equality in negotiation differs then in its emphasis on procedure rather than outcome. While the demand for fair terms of co-operation appears to be a procedural claim, the measurement is dependent on the outcome (at least, in Miller’s view). The claim here is about relational equality and thus the emphasis remains on a procedure that ensures substantive equality of standing. This procedure is related to but not coextensive with the outcome of the practice. So, a principle of fair terms of co-operation is not the same claim as a principle of equality in negotiation. But is there reason to take on the more substantial burden of equality in negotiation? Why aren’t fair terms of co-operation enough? I have argued that states that participate in practices (that are committed to formal equality, are long term, and mutually beneficial) have a duty to ensure equal standing in negotiation. The burden of fair terms of co-operation is not strong enough to meet this duty. It allows for states to treat another state fairly but not as an equal, and importantly to treat them

³⁰ Miller, *National Responsibility and Global Justice*, 253.

³¹ Ibid., 252, footnote 32.

fairly but not in such a way that tends toward their equality. You could imagine, for example, a paternalistic practice that allowed some room for development and choice but that did not give developing states an opportunity to negotiate as equals. Fair terms of co-operation go some way toward substantive equality insofar as they allow poor countries the opportunity to develop but run the risk of maintaining the status quo, of allowing imbalance in power and negotiation to continue. The principle therefore fails to ground the fundamental duty that my analysis has identified: a duty to ensure states have substantive equality of standing.

Another fairness-based view is offered by James in his book, *Fairness in Practice*. The book offers an extensive analysis of what fairness in international trade requires. James argues that states participate in a shared global practice of trade through their mutual reliance on common markets. This practice's basic aim is the augmentation of national income, which, insofar as it is a product of the practice and not what states might achieve without this co-operation, should be shared equally.³² In brief, on James' view, fairness requires three principles of equity: firstly, a principle of due care, that requires trading nations to protect people against the harms of trade; Secondly, a principle of international relative gains, which holds that gains to each trading society, adjusted to their respective natural endowments (e.g., population size, resource base, level of development) are to be distributed equally, unless unequal gains flow (e.g., via special trade privileges) to poor countries.; Thirdly, a principle of domestic relative gains that requires these gains to be distributed equally among the trading society's affected members.³³

³² James, *Fairness in Practice: A Social Contract for a Global Economy*, 17.

³³ *Ibid.*, 203.

In an overall sense, the view presented in Part I differs from James' in a number of ways, both in aim and argument. Firstly, James' arguments apply to global trade and not to global interaction in general. In one sense this merely indicates that James' is a different project to this one. It could however, be viewed as laying foundations that can be fruitfully applied to other international negotiation. His view, however, as a practice-dependent view, relies heavily on the specific nature of global trade. It is unclear therefore how the central role of equality of gain would translate into negotiations around a collective good, for example, climate change or peace-talks. Here it is burdens that need to be shared, and in ways that often cannot be easily distributed. Secondly, James argues that the global economy is a single overarching practice. I have argued however that international interactions are best viewed as multiple practices in order to more accurately assess the relations between the participating states. On my view, participants of the NAFTA or the EU would owe each other more stringent duties than participants in the WTO, for example. The different nature and aims of the practices play an important role in grounding what duties are owed and so we are best able to determine the duties through focusing on separate practices. Thirdly, James is concerned chiefly with fairness, not equality. James appeals to states' equal moral status to support his claim that fairness requires equal gains.³⁴ But the ultimate aim of the theory is to create a *fair* practice, not necessarily a practice of equals. The view presented here, however, argues that states' equality requires that their practices respect, and work towards, substantive equality of standing within negotiations rather than fair treatment. As I have suggested, equality in negotiation is more robust: a state could treat another state fairly while not treating it as an equal or working toward that equality where it is lacking. Lastly, this fairness is measured by the outcome of the practice rather than the procedure. As suggested in response to

³⁴ Ibid., 168.

Miller's 'fair terms of co-operation', this leaves a particular worry of how to determine the correct baseline. While James does make a case for using autarky as the relevant baseline this seems close to impossible to determine accurately and without bias given the imperialistic trajectory of international trade.³⁵ That all being said, James' detailed analysis offers us helpful guidance for what the principle of equality in negotiation could look like applied to practices of global trade. Overall, we are not chiefly in opposition but rather tackling separate but related concerns.

3.4.2 *Non-exploitation*

One key difference between fairness-based accounts and the view presented here is that these fairness accounts are concerned with the fairness of *outcomes* rather than procedures. Exploitation accounts however, similarly focus on (or at least include) procedures in their assessment of an interaction. Let us turn then to exploitation. A general definition of exploitation is to take unfair advantage of another, but there is much disagreement over the details.³⁶ Does exploitation require that only one party benefits? Can one be exploited if one has consented to the transaction? Is exploitation always harmful? Does it require that you have no other option available? Is it based on a comparison with some other possible way in which the transaction could have been conducted? For our purposes we need not delve too deeply into this debate.³⁷ It is enough perhaps to consider if exploitation is, or could be, defined such that it already does the work that the principle of equality in negotiation is attempting. I will therefore consider here exploitative agreements that can be

³⁵ Mathias Risse and Gabriel Wollner, "Critical Notice of Aaron James, *Fairness in Practice: A Social Contract for a Global Economy*," *Canadian Journal of Philosophy* (Routledge, 2013), 18–19.

³⁶ Alan Wertheimer, *Exploitation* (Princeton: Princeton University Press, 1996), 10–13.

³⁷ For a good discussion, see Andrew Reeve, ed., *Modern Theories of Exploitation* (London: Sage Publications, Ltd., 1987).

both voluntary and mutually advantageous.³⁸ Using this more expansive definition enables us, as Wertheimer suggests, to get closer to the heart of the wrong of exploitation itself, aside from the other harms that often accompany it. Consider, for example, State A that violently invades state B in order to control their oil supply. A is taking unfair advantage of B, but the moral wrong is deeper than exploitation. We would describe this case as an unlawful violation of B's sovereignty, or outright theft rather than exploitation. Just like the principle of equality in negotiation, a principle of non-exploitation hopes to capture something more nuanced than these clear harms.³⁹

The key aspect of exploitation is that one party uses a superior position to win terms that are more favourable to it: the exploiter does better and the exploited does worse than they might have under different circumstances, and this is because of a special advantage that the exploiter has and capitalizes on.⁴⁰ This accurately describes many international negotiations: states in positions of power use that power to ensure agreements that are in their favour at the expense of the less powerful. These agreements are mutually advantageous but unfairly advantage one party over the other.⁴¹ In this vein, Risse and Wollner have recently argued that our treatment of trade in the context of global justice should be based on a principle of non-exploitation. They introduce an ecumenical and expansive definition of exploitation whereby 'an individual A treats B in way T giving rise to distribution or transfer D, and the joint occurrence of T and D violates some moral

³⁸ For example, see Wertheimer, *Exploitation*.; James, *Fairness in Practice: A Social Contract for a Global Economy*, 308, footnote 2.; Miller, "Exploitation in the Market," 156.

³⁹ Wertheimer, *Exploitation*.

⁴⁰ Miller, "Exploitation in the Market," 156.

⁴¹ See Miller, "Exploitation in the Market." Or, for an extensive discussion of exploitation in transactions, see Chapter 7, 'Unfair Transactions' in Wertheimer, *Exploitation*.

principle P.’⁴² With this abstract definition, they view competing accounts as ‘offering sufficient conditions and as spelling out one of the ways in which exploitation might be wrong’ rather than ‘offering necessary and sufficient conditions of exploitation and identifying a unique source of its wrongness.’⁴³ While this principle of non-exploitation creates a duty not to take unfair advantage, it does not create a duty to create an environment such that it is not possible. The imbalance of power remains and weaker parties are vulnerable to exploitation at the whim of the more powerful. They are, in a Pettitian sense, dominated.⁴⁴ A principle of non-exploitation may serve us well in governing individual transactions and bargaining between non-state actors. The principle of equality in negotiation, however, goes the extra step of obliging states to create practices that instantiate the principles that underlie them and so preclude any opportunity to exploit. It is not just that states should not exploit each other, but that they have a duty to ensure their practices are such that systematic exploitation is not possible.

3.4.3 *Mutually Beneficial Relations*

Many of the kinds of international relations we have discussed are premised on mutual benefit: trade, climate change treaties, or passage in international waters, for instance. This chapter has set out fairly demanding duties toward the ‘weaker’ party in the negotiation so we might wonder if these practices remain mutually beneficial, and if they do not, whether states would enter into them at all. The principle of equality in negotiation is no use to us if

⁴² Mathias Risse and Gabriel Wollner, “Three Images of Trade: On the Place of Trade in a Theory of Global Justice,” *Moral Philosophy and Politics* 1, no. 2 (2014).

⁴³ Ibid.

⁴⁴ That is, they are vulnerable to arbitrary interference. Here I draw on the concept of non-domination as a feature of a relational account of equality rather than a principle of freedom. For non-domination accounts of global justice see, Cécile Laborde and Miriam Ronzoni, “What Is a Free State? Republican Internationalism and Globalisation,” *Political Studies*, 2015.; Philip Pettit, “A Republican Law of Peoples,” *European Journal of Political Theory* 9, no. 1 (2010): 70–94.

it is likely to deter states from entering into the kind of negotiations that the principle seeks to regulate. This would both make the principle redundant, and undermine valuable international interaction. The short response to this worry is that the practices will remain mutually beneficial. To elaborate, we are discussing a certain kind of exchange relationship and not, for example, the relation between the aid-giver and aid-receiver. It is important therefore that the practice remains mutually beneficial. It could be the case that in a single instance, the transfer of wealth or resources is one-way. It also might be the case that the transfer goes both ways but the weaker party benefits more from the agreement than the more powerful. Yet, these practices have deeper ends than financial gain. It is about ensuring peace and a system of trade that provides for citizens or ensures the future of our shared environment. So while the financial loss will be unwelcome, the practice itself remains mutually beneficial insofar as it works towards these deeper ends. For example, western states could have a duty to pay for small island states to have specialists assess their vulnerabilities to climate change so that they have the full information needed for leverage in negotiation. This is a direct transfer of wealth or technical skills so is not directly beneficial to those states, but in the overall sense they do benefit as it is a requirement of a practice with an aim they all value, namely curtailing climate change. The relevant comparison is not between the costs of ensuring the practice is just and the costs of the practice without (or with minimal) moral limits. It is between the costs that come with the practice being just and the costs of not being able to have this practice at all. So while states may be better off financially when they can, with no restrictions, use their power in negotiation, what is relevant here is that they are still benefiting from these practices: they are in pursuit of aims they value or goods they want and that they would not otherwise be able to access.

3.5 Conclusion

In Chapter 1 I set out three non-relational duties of justice: namely, duties that states owe to each other regardless of their current or previous interaction. I argued that these duties were foundational to the conception of international justice I have set out, and that they formed a core of global justice requirements that many scholars could agree upon. These duties were a duty of non-harm, a duty to rescue, and a duty to provide basic human necessities. Recall that these are duties between states not between persons, but in the case of basic human necessities this is a duty that individual persons owe to one another but that is best fulfilled through the state—both in supplying the support and in distributing it within the receiving state. As we conclude Part I, two final discussions are pending. Firstly, I will set out in more detail what the non-relational duties of states require of individual states and secondly, I will consider how relational and non-relational duties can work hand in hand.

3.5.1 Specifying Non-relational Duties

The questions of how a state might fulfil the duty to provide basic human necessities or to rescue a state in crisis could each alone fill many theses. Here I will not delve into debates about what kind of aid or developmental strategy works best. I will assume, I think with good reason, that it is *possible* to fulfil these duties. The evidence suggests that there is ‘enough food for everyone if’ we change the way we distribute food, stop land grabs and reorder our international taxing regulations.⁴⁵ In addition, we know that if each developed state gave 0.7% of their gross national income (GNI) to effective foreign aid, we could

⁴⁵ These are claims made by the multi-organization campaign, ‘Enough Food for Everyone If’, in the run up to the G8 meeting held in the UK in 2013. See, Liz Ford, “Anti-Hunger Campaign IF Launches with Call to G8 to Act,” *The Guardian*, January 23, 2013, <http://www.theguardian.com/global-development/2013/jan/23/anti-hunger-campaign-if-g8-act>.

halve extreme poverty.⁴⁶ In the case of the duty to provide basic human necessities, the duty is, at its root, a duty between persons. Here we discuss it in its instantiation as a duty between states but its inter-personal roots mean that the duty remains even where the relevant receiving state is not functioning. Since the duty belongs to the state because it is *best* fulfilled through the state, where this is not feasible or best, the duty may shift: for example, in many cases the duty might be owed by the state to the collective of citizens rather than another state. The complicated nature of the fulfilment of these duties suggest that they would be best fulfilled if done so collectively. If a body such as the UN or a central development bank was able to collect and distribute the required aid for the provision of basic human necessities and in cases of rescue, it would facilitate this process in a number of ways. Firstly, compliance is easier when our duties are clearly specified and enforced (at least through expectation). Secondly, it would ensure that the aid is given according to need and not political affiliation, and so would open up aid for the most needy. Thirdly, a neutral party might be more successful in working with a rogue state or corrupt government, as it is clear the aim is purely assistance and not some other political motive. Lastly, a bigger, dedicated institution would be better equipped to determine need—both how much aid is required and how best to offer it. While at first these duties may appear daunting and unfeasible in our current world, a small step toward institutionalizing them will go a long way toward improving compliance.

In addition to these positive duties, states also have a duty simply not to harm other states. More specifically, some examples include the principle of non-aggression without just cause, a duty not to pollute another state's waters or air, and a duty not to knowingly

⁴⁶ This 0.7% of GNI commitment was first introduced in the UN in a 1970 General Assembly but has also played a key role in the Millennium Development Goals. Read more about it here: The Millenium Project, "The 0.7% Target: An in-Depth Look," 2006, <http://www.unmillenniumproject.org/press/07.htm>.

compromise their capacity to function (for example, implementing border policies that result in an overwhelming number of refugees seeking asylum in one state). Correlative to these duties, states may have duties to rectify, or compensate for, past harms. These constitute a whole other range of duties that will not be discussed in depth here, but are useful to keep in mind to understand the fuller picture of what responsibilities states have.⁴⁷

3.5.2 *The Duties in Action: Finding the Balance*

There are then, two sets of duties: firstly, non-relational duties to ensure the provision of basic human necessities, to rescue states in crisis situations, and not to harm other states; secondly, the duty to ensure equality in negotiation. We might wonder then how these two sets of duties work alongside one another. Is one prior to the other? The principle of equality in negotiation requires that states' agreements move one another closer toward substantive equality of standing in negotiation—would this be a priority over the absolute poverty of another state? Would states have more reason to aid a state that they are in a practice with than one they are not? Firstly, it is worth noting that the dichotomy is not as stark as it might originally appear. While the specific grounds and content of the duties differ, the ultimate ends will often be shared. For example, if the principle of equality in negotiation was applied to issues of intellectual property rights, it is likely that it would result in developing states having better access to basic medical supplies and agriculture seeds which will contribute to the basic human necessities of healthcare and food. I have

⁴⁷ I do not, in this thesis, engage extensively with the complex questions of rectifying *historical* injustice. Part II does, however, discuss remedial duties for harms more recently inflicted as well touching briefly on historic injustices (see s.5.4.3). This distinction does not exclude citizen responsibility for historical injustice but rather sets aside, for now, some of the complex questions surrounding injustice far in the past. For interesting work on rectifying historical injustice see, Chapters 5 & 6 of Miller, *National Responsibility and Global Justice*; Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations*.

also suggested that these duties are more easily fulfilled than we sometimes assume. So, properly pursued, these duties might not consume such a large percentage of wealth; cases where duties are truly in competition for resources will therefore be fewer than it might initially appear.

Secondly, these are pro-tanto duties. When we consider what these duties might look like in action, we ought to be aware that they are not absolute: at times, they will need to be weighed against each other, and at times they will be over-ridden by other considerations, such as the cost to the duty-bearer, or the possible side-effects of fulfilling the duty. Consider, for example, a state where government officials appear to be siphoning off funds acquired from the sales of natural resources. Here there are good reasons not to pursue equality in negotiation in a deal for natural resource extraction given the likely negative effects on the citizens of that state. Instead, a state should perhaps not enter such an agreement or work toward a deal that can curb the corruption. Similarly, consider a state that is representative of the will and interests of its citizens but is acting on them by invading a neighbouring state. If this invasion ultimately leads to the near collapse of the aggressor state, we do not then have a duty to prop up this aggressive state. Our commitment to the attacked neighbouring state, and in general to ensuring a principle of non-harm, would outweigh the possible duty of rescue.

Nevertheless we should be clear on the priority between non-relational and relational duties for where conflict cases do arise. As I suggested by placing the non-relational duties in Chapter 1, I consider these duties to be more fundamental. Where we face a choice between fulfilling a non-relational duty, such as the duty not to harm another state, and a

relational duty, we ought to choose the non-relational duty. In fact, if we are unable to participate in a practice justly, where possible we should remove ourselves from this practice, except when removal will result in more injustice than participation would. We may at times be morally impelled to stay within a practice even where the negotiation is unequal, so that we are best equipped to remedy this inequality, or in order to allow for some other greater good. CAJ Coady makes this point well in a discussion of nuclear disarmament: he argues that there 'is room for a gap to arise between the judgment that x is seriously immoral and the decision what to do about avoiding or abandoning the doing of x.' For Coady, 'temporary persistence in the policy may be the price we pay for successful withdrawal from it.'⁴⁸ It is possible, therefore, that a state may need to stay in a trade practice that does not fully respect the equality of another state in order to have funds to support another state in crisis. Lastly, we should note that in many cases the states that are on the receiving end of these duties would be the same. A state that is struggling to provide basic human necessities for its own citizens is likely to need support in order to participate equally in a negotiation. So while we might think that equality in negotiation will limit profits that could be used to provide basic human necessities, in the long run the resources are directed toward the same end. While I have argued that the non-relational duty takes priority, this does not diminish the value of the relational duties. Our relational duties ensure equality of standing between states and so a more just international sphere that enables states to better provide for their citizens.

⁴⁸ CAJ. Coady, "Escaping from the Bomb: Immoral Deterrence and the Problem of Extrication," in *Nuclear Deterrence and Moral Restraint*, ed. Henry Shue (Cambridge: Cambridge University Press, 1989), 195.

3.5.3 Conclusion

Part I has laid out the framework for a theory of international relations. It has argued that states are moral agents who can bear duties and be held responsible, and importantly, that states are equal moral agents. Drawing on this equality, Chapter 1 argued that states have three non-relational duties of justice: a duty not to harm, a duty to rescue and a duty to provide basic human necessities. The analysis of a relational view in Chapter 2 argued that this principle of equality, applied to the practices between states, grounded further, relational duties of justice. In Chapter 3, these relational duties were specified in a principle of equality in negotiation. This principle holds that states are under a duty to ensure that all parties to a negotiation have access to the tools of negotiation and that there is a reasonable parity in bargaining power. Where this is not the case, the agreement ought to compensate for the inequality and move the states closer to equality. States, then, are under a number of duties of justice in their international relations. It is evident that current state action falls considerably short of these requirements. Is it an unrealistic standard to set? We might worry that the state, by its nature and mandate, pursues the interests of its own citizens. With this burden on the international stage will it be able to function as a democracy should? In Part II I will turn to focus on this question. More specifically, I will argue that international duties of justice do not compromise democracy, as citizens are collectively morally responsible for the state's failure (or success) in fulfilling these duties.

Part II: Citizen Responsibility

CHAPTER 4. Laying the Foundations

4.1 Introduction

While there is much that is being done to combat global injustice, states consistently fall short of the standards of justice set out in Part I: millions continue to live without basic human necessities, states continue to harm other states, and negotiations are frequently undertaken on unequal terms. Section 1.1 argued that the state is a moral agent that is intricately linked to a collective on whose behalf it acts. Given states' widespread failure to fulfil their duties of justice we need to explore this link between citizens and their states, with particular reference to political channels of responsibility. Under the status quo, the state tends to function as a 'responsibility-laundering machine.'¹ Current citizens appear Janus-faced: they support their state, make demands on it, and continue to receive numerous benefits from it, yet there is an expectation that the state alone is to be held responsible for its actions. I call this problem the 'responsibility gap' between states and their citizens. Citizens treat their state as a 'moral fall guy': the agent who bears the entire burden of responsibility even though it is not the sole actor.² We do not think it is fair or acceptable to create moral scapegoats or for big corporations to designate a moral fall guy in corruption scandals. We want those who are responsible to be identified so that they can make necessary amends and we can accurately attribute moral responsibility. When citizens outsource responsibility to the state it frees their consciences to make demands

¹ This term is borrowed from Stilz, "Collective Responsibility and the State."

² Barney Stinson, of *How I Met Your Mother*, is a useful (and exaggerated) example of a moral fall guy for his company Altrucell. Although notoriously unwilling to disclose what his job entails, always replying "please", in one episode he refers to his role as "Provide Legal Exculpation And Sign Everything" (P.L.E.A.S.E.).

with little thought of consequences for others.³ Consider constant demands from citizens of liberal western democracies for low fuel prices, cheap clothing, and bargain groceries with little consideration for often-dubious trade agreements, labour conditions, and exploitation that can accompany these goods. The ‘horsemeat scandal’ in the UK and parts of Europe is illustrative here: this scandal revealed that citizens were unaware of where or how their meat was produced, that meeting the demand for cheap meat was unsustainable, and that there were severe flaws in the UK supply chain monitoring.⁴ Similarly demands for security often fail to recognize the careful balance between security and the potential for violations of individual human rights (such as privacy or bodily integrity) in its pursuit. This balance frequently eludes state officials, often unnoticed by citizens. Should they be aware? Do citizens have a responsibility for what their state does? Recall the example of Apartheid South Africa as a democracy with limited membership.⁵ This example of injustice carried out by a democracy suggests we intuitively think that there is some kind of responsibility link between a state and its electorate.⁶ Members of this democracy benefited from the injustice that their state inflicted on non-members and were in the best available position to combat this injustice. These facts support a judgment of their complicity. Apartheid South Africa is clearly a significantly different case in many respects to that of liberal western democracies in the global context. Nevertheless, the next three chapters will explore the idea that our intuition here is correct and should be similarly applied to liberal western democracies that perpetuate injustice in the global sphere.

³ Note citizens can outsource the fulfilment of a duty to the state (as suggested in s.1.3) without outsourcing all sense of responsibility for the fulfilment of that duty.

⁴ See, for example, Felicity Lawrence, Paddy Allen, and Paul Scruton, “The Complex Food Supply Chain That Lead to the Horsemeat Scandal,” *The Guardian*, October 22, 2013, <http://www.theguardian.com/uk-news/interactive/2013/oct/22/horsemeat-scandal-supply-chain>.

⁵ Introduction p.2.

⁶ Recall that although South Africa as a whole was clearly not democratic, the Apartheid state functioned as a democracy within its limited scope of a white-only electorate.

The issue of citizen responsibility for state action has grown increasingly prominent in recent years, featuring in the work of, among others, Anna Stilz, Eric Beerbohm and Avia Pasternak. The literature reveals at least two ways to approach this question. The first is through a concern for the fact that citizens *do* end up bearing the costs of state action (via, for example, tax-subsidized reparations), which motivates us to investigate whether this is normatively justifiable or desirable.⁷ A second approach draws on an intuition that citizens of democracies *ought*, given their relationship to the state, to bear responsibility for their state's acts. The emphasis is different: on the one hand responsibility for state action appears to be a necessary cost of citizenship, on the other, it seems to be a central part of what it means to be a citizen of a democracy. This second intuition motivates the present project; as political theorists we should provide normative justification for this intuition, or, failing this, abandon it. The second viewpoint tends to motivate a less-instrumentalized and action-guiding set of principles—elements of this motivation are clear in Beerbohm's individual citizen complicity—whereas the first approach tends to motivate kinds of remedial responsibility such as Stilz's task responsibility. Beerbohm advocates moral responsibility grounded in complicity in another agent's (our representative's) actions.⁸ In Stilz's liberal theory, individual citizens have task-responsibility grounded in a theory of political obligation she terms 'democratic authorization'. Task-responsibility is the responsibility to put a situation right and does not include moral appraisal of those responsible.⁹

These theories are not mutually exclusive; it could be the case that a theory such as Stilz's democratic authorization model could fit within the boundaries of the wider-reaching

⁷ See, for example, Avia Pasternak, "Limiting States' Corporate Responsibility," *Journal of Political Philosophy* 21, no. 4 (2013): 361–81.

⁸ Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton University Press, 2012).

⁹ Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*.

model proposed here. Yet, we ought to bear in mind that these ideas do come apart at various points that I will highlight throughout the following chapters. Indeed, relevant aspects of these accounts will be elaborated upon, analysed, and built upon throughout Part II. It is important here, however, to note that all of these theories, although insightful, fail to fully capture what I consider to be three salient facts in the discussion about citizen responsibility. Firstly, given the moral wrong of perpetuating injustice, the responsibility gap is moral, not just remedial or task. That is, while there are important concerns about who has a task or remedial duty to rectify injustice, we should *also* be interested in assigning moral responsibility for creating the injustice. Secondly, citizens can only meaningfully influence the state when we consider the collective outcomes of their actions and so responsibility needs to be collective, not individual. Lastly, we need to view not only traditional political channels (like voting, writing to your MP and so on) but also consumer and social media choices as being important political actions that can influence the state. This position will be elaborated upon over the next three chapters as I set out an account of citizen responsibility for global injustice.

This chapter will lay the foundations for the arguments to follow. Firstly, in section 4.2 it will outline the concept of citizenship. Section 4.3 will set out the collective duties of citizens, and in section 4.4, I will establish an understanding of citizens as a collective through their intentional membership of the state, and further as a collective that acts, in its creation of collective outcomes and failures. Lastly, section 4.5 will present a defence of collective *moral* responsibility. With these tools in hand, we will be prepared to approach the arguments of Chapters 5 and 6 which establish the collective moral responsibility of citizens and consequent duties that citizens face both collectively and as individuals.

4.2 The Concept of Citizenship

As I have set out in the introduction to this thesis, these arguments begin from certain non-ideal assumptions about the world. In Part I we assumed the status quo existence of a state-based international order as the background condition against which we had to theorize. Similarly, I will not here defend a commitment to state-based citizenship. I will argue instead, throughout Part II, that we need to shift our understanding of this role and what it requires from us. Citizenship is a contested concept in both theory and practice. The literature on citizenship is expansive, with multiple understandings offered and different distinctions drawn between these competing views. Miller, for example, suggests a distinction between liberal, libertarian, and republican models while Mason discusses a common-good, equal-membership, or justice-based approach.¹⁰ This is not an uncertainty ‘confined to the political elite’ or theorists.¹¹ Drawing on research by Conover et al, Miller suggests that typical citizens have a diversity of views on whether citizenship is a merely a legal status or whether it contains an ethical element such as a common good or shared responsibilities.¹² For some, citizenship is a status that provides certain rights or privileges. For others, it represents a symbolic membership of a community with shared culture, language, or religion. This thesis aims to address the typical citizen of today’s western liberal democracy: a citizen of a particular state, who holds certain rights in virtue of that citizenship and who is able to act to influence the governing of her state (through voting or campaigning, for example). I argue that this citizenship entails outward-looking duties of global justice, that is, it cannot be entirely inward-looking. This view may have implications for the kind of conception of citizenship we hold but we will turn to this question when we conclude in Chapter 7. Here, I make three foundational claims: firstly, I

¹⁰ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000); Mason, *Living Together as Equals: The Demands of Citizenship*.

¹¹ Miller, *Citizenship and National Identity*, 43.

¹² Ibid.

will argue that citizenship is more than a symbolic solidarity, and so cannot be understood as a kind of global ethic. Secondly, I will argue that citizenship is chiefly a political role rather than being primarily based on shared identity or culture. And thirdly, I will clarify my account of the conceptual relationship between the state and its citizenry.

4.2.1 *Against Global Citizenship*

This thesis is based on the status quo of a statist international sphere. The argument for global citizenship appears then to be aimed against a foundational claim that is not up for debate here. If we have a statist global order, citizens are by definition going to be citizens of particular states. We do not then need to be concerned about ‘institutional cosmopolitans’, that is, those who argue for global citizenship as membership of a world government or authority.¹³ We should pause however to consider the views of ‘ethical cosmopolitans’ who argue for a *spirit* of global citizenship.¹⁴ One can retain legal and formal status of citizenship within a state, but be committed to a global ethic. This global ethic is often referred to in terms of citizenship: Nussbaum, for example, refers to her project of educating to a global ethic as ‘cultivating world citizenship’ and speaks of the need to be a ‘citizen of the world.’¹⁵ These ideas are rooted in Stoic thought which views our allegiances as a series of concentric circles beginning with ourselves and moving upwards toward all of humanity. In matters of justice and right, Stoics held that we should

¹³ Daniele Archibugi, *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy* (Princeton: Princeton University Press, 2008); Held, *Cosmopolitanism: A Defense*; Andrew Kuper, *Democracy beyond Borders: Justice and Representation in Global Institutions* (Oxford: Oxford University Press, 2004).

¹⁴ This distinction is made by Archibugi, *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy*, 147.

¹⁵ Martha Nussbaum, “Cultivating Humanity and World Citizenship,” 2007, 37–40.; Martha Nussbaum, “Education for Citizenship in an Era of Global Connection,” *Studies in Philosophy and Education* 21, no. 4–5 (2002): 289–303.

consider all human beings as our neighbours and fellow citizens.¹⁶ Local authority does not need to be abolished, but our first allegiance should be to ‘no mere form of government, no temporal power, but to the moral community made up by the humanity of all human beings.’¹⁷ Given that the arguments to follow contend that citizens have duties of global justice in virtue of their citizenship, we might wonder whether they support this kind of Stoic global citizenship. I resist this move for two reasons. Firstly, there is something especially interesting and salient about the duties of global justice that are acquired through, and mediated by, the state. The thesis investigates how states’ actions implicate citizens, and has noted how states discharge some duties on behalf of citizens. The idea of global citizenship does not capture this set of cases and so misses something that is both normatively interesting and reflective of the current behaviour of citizens and states. Secondly, I am sympathetic to Miller’s arguments that ‘citizenship is essentially a political relationship between co-citizens.’¹⁸ What we are interested in here is the political relationship and role of being a citizen rather than a philosophical concept of citizenship. On Miller’s view, ‘since [global citizenship so conceived] does not presuppose any kind of political relationship, and therefore any kind of reciprocity between people, it cannot be citizenship at all.’¹⁹ We could argue that there is in fact some level of global reciprocity, yet this line of argument is unlikely to be successful in the sense of reciprocity that Miller means. That is, that citizens are aware of who their fellow citizens are and expect them to act as citizens, and secondly that each must know enough about the others’ beliefs and interests to know which are outcomes they could possibly accept and which are not.²⁰ Indeed, it seems that many global governance proponents overestimate the level of

¹⁶ Martha Nussbaum, “Patriotism and Cosmopolitanism,” in *The Cosmopolitan Reader*, ed. Garret Brown and David Held (Cambridge: Polity, 2010), 157.

¹⁷ Ibid.

¹⁸ Miller, “The Idea of Global Citizenship,” 235.

¹⁹ Ibid.

²⁰ Ibid.

meaningful interaction between average individuals across the world. While members of the developed world often interact daily across continents for business and personal enjoyment, there are still large parts of the world where residents experience minimal engagement with those outside of their own area. Where there is interaction, it is very rarely interaction on an equal footing and so does not create the kind of ‘one world’ culture the global governance scholars often, to a certain extent, assume. Most importantly, even if there is reciprocity at a global level, this view of a global citizenship as a global ethic does not require it and so fails to capture a central element of a political concept of citizenship: that it is a joint venture.²¹

4.2.2 Citizenship as Shared Participation in a Practice

In Part I, I suggested that the foundational principle of equal moral worth grounded a right to basic human necessities that is universal in scope. That is, it is not dependent on any special relationship but is owed by all to all in virtue of our equal moral worth. Part I argued that states have a role to play in discharging this duty across borders, but the central way we fulfil this duty is through participating in the practice of a state. In participating in the state, we are pursuing the best plan of action for ensuring our own basic human necessities, including access to food, water, shelter, healthcare and basic security. As Stilz argues, upon rational reflection it should be clear that a situation where we are individually entitled to judge and execute our rights is ‘unfavourable to securing them,’ and as such ‘we ought to accept an arbitrator’s judgment, since we gain by having reference to *unitary* public interpretation of our rights, as co-ordination is a necessary condition for freedom

²¹ Ibid., 235–6.

from interference by other people.’²² While it may be possible at times to achieve these things without the state, some kind of collective action is required to secure these most basic elements of life. Many of these goods are public or common goods, that is, they cannot be achieved for one without being achieved for all. Or perhaps more intuitively, if they are ruined by one (or some), they are ruined for all. Consider clean air and water. These goods need the co-operation of all (or a considerable majority) in a particular area to be achieved. Conversely, it is also those within this particular area who are most likely to compromise those rights: it is they who might steal your food, pollute your water, or violate your personal security. Those with whom you live closely are both the source of danger and the best remedy to it.

In order to fully respect this principle of equal moral worth, we need to be able to function in the world as moral equals, that is, to have meaningful control over the lives we lead. We should be able to contribute to making the laws under which we live and the culture and way of life in which we participate. Part of what it means to be treated as a moral equal is intricately linked to our real encounters with those around us, and so the fullness of this principle can only be respected by those with whom we live.²³ We need to be respected as equal agents in our society, that is, we need to have access to that which allows us to act as equal citizens and that which prevents us from being oppressed by others.²⁴ To be a citizen then, is to be in a relationship with a group of others in a particular area, committed to respecting the fullness of the principle of equal moral worth for each other. This relationship requires a shared political culture, a shared aim in participating in the practice

²² Stilz, “Collective Responsibility and the State,” 198, 200. For a full elaboration of this view, see Stilz, *Liberal Loyalty: Freedom, Obligation, and the State*.

²³ While it is not possible here to form an argument as to when a society grows too large for one’s contribution to law-making or a way of life to be meaningful, I will work under the assumption that there is some such line.

²⁴ Recall Anderson’s account of democratic equality, set out in s.3.2.

of the state and broadly shared conception of how the practice should be run. Citizens should share a commitment to, for example, a constitutional democracy, but could differ in their views on which political party should govern. The relationship does not, however, require a shared cultural or linguistic identity. In reality many states are embedded in shared cultures, but this shared identity is not what does the work in creating a collective of citizens. A shared identity can be the product, but is not the basis, of the more fundamental task of participating together in a practice of the state. The arbitrary nature of many boundaries as well as the mixtures of cultures and languages found within states highlight this point. Trust and shared identity contribute to the successful running of a state, but they do not ground our duties to each other.

4.2.3 The Conceptual Relationship between the State and Citizens

As I have mentioned throughout this section, citizenship is primarily a relationship between citizens, a participation in a shared project. This is a view endorsed by many citizenship theorists.²⁵ I would like to clarify two lines of thought that sometimes follow from this commitment but do not in my view. The first is that the only duties that accompany citizenship are duties towards other citizens. While they may have many other duties of justice toward outsiders, these are not citizenship duties (although, some citizenship duties might be duties of justice). In the chapters that follow, I will argue for outward-looking duties of citizenship. Yet if citizenship is essentially a relationship between fellow citizens, does it make sense to talk of outward-looking duties? One straightforward and important response is that even though citizenship might be an internal project, we are always under a duty to ensure that our projects, joint and individual, do not harm or wrong others. In this sense, we have duties to those outside of our practice. Miller,

²⁵ Miller, "The Idea of Global Citizenship"; Mason, *Living Together as Equals: The Demands of Citizenship*.

however, would characterize these duties as duties of justice, but not duties of citizenship. These duties of justice however, only belong to us as citizens; they are our duties in virtue of our citizenship. This distinction matters because where duties are sorted into duties of different kinds, one set can (and tends to) be prioritized over the other. Citizenship duties are often more immediate and explicit in daily life and so, in practice, gain priority over other duties of justice we might have. If however, these global justice duties are viewed as duties we have as citizens, they ought to be weighed against each other in our decisions to act: we do not have to weaken or sacrifice citizenship to pursue global justice; it is a part of citizenship to take these duties into account.²⁶

Secondly, some theories hold that citizens, when in this relationship with each other, constitute the state. As I have set out in section 1.1.1 the state is a separate moral agent to citizens as a collective. When the state, government, and citizens are functioning well their agency will be largely overlapping. The state is, however, able to act apart from the will of its citizens and so we need to be able to keep them conceptually distinct in our mind. The state is the set of institutions and mechanisms of representation that citizens create and participate in (as members of government, voters, civil servants and so on). More classically, it is ‘a body that successfully claims a monopoly of legitimate force in a particular territory.’²⁷ Citizens exist as a collective separately to this corporate agent, and collectively participate in the practice of having a state that speaks for them, rather than collectively participating *in being* the state. This argument will be further developed in section 4.3 where I develop an account of citizens as a collective.

²⁶ Taking these outward-looking duties into account does not, however, imply that they will always, or even often, trump duties to fellow citizens. How these duties balance will be discussed in more detail, once the extent and nature of the outward-looking duties have been set out. See s.7.2.4.

²⁷ Miller, *On Nationality*, 19.

Here, in sum, I have begun to unpack how we might understand citizenship of western liberal democracies. It is firstly a political relationship rather than a kind of ethic that can be universally applied. Secondly, it is participation in a shared practice of having a state. It does not necessarily involve having a shared culture or identity. Lastly, I have clarified two further features of citizenship: it can ground some duties to others beyond our fellow citizens and the collective of citizens is not itself the state but a closely related, separate agent. We turn now in the next section to set out the collective duties of citizens before elaborating in section 4.4 on the concept of citizens as a collective agent.

4.3 The Collective Duty of Citizens

We have established in Part I that states owe duties of justice to other states. We have also begun to unpack the complex issue of what exactly the state is. I have argued that it is a moral agent, but a special kind of moral agent that acts as a spokesperson for a larger, more loosely connected collective. Its agency then is rooted in the will of another collective. Despite this, it remains a separate agent because that is what it has been created to be in order to most effectively protect and discharge our fundamental rights and duties. In order to navigate the complexities of what is required from it, the state needs to be an agent that is independent, that is, which has its own decision-making procedures independent of the decision-making of citizens. Citizens do not have the time, expertise, or energy to engage with the diversity of challenges facing a state. While I will argue that citizens ought to be more invested and involved in state decision-making, the actual running of a state requires extensive material and human resources, and involves many morally neutral acts that would be overwhelming should citizens be expected to participate in them all.

The upshot of this view of the state is that citizens as a collective are separate from the state but have a responsibility for the existence of that state and its behaviour. The two collectives are intricately linked. Citizens therefore have two broad collective duties in regards to their state. They ought, collectively, to hold their state accountable to: (i) pursue their (the citizens') collective interests justly and (ii) fulfil its duties to other states. These collective duties, and especially duty (i), apply within a state. Citizens have a collective duty to ensure their state does not oppress a minority, for example, or fail to protect basic rights of some or all citizens. Here, we are concerned chiefly with the outward-looking aspect of these duties that arise given the state's interactions on the global sphere. States do not just pursue citizens' interests internally but actively trade, negotiate, and situate themselves in the global realm in order to provide security and a good standard of living for their citizens. Duty (i) therefore requires that citizens limit the state's actions in pursuit of their interests to those that are just, as specified by the principle of equality in negotiation, and duty (ii) requires that citizens hold their state accountable to their duties as equal agents in the international sphere, such as the duties of non-harm and rescue.²⁸ In Chapter 6, we will explore how exactly these duties might be specified, what citizens as a collective and as individuals ought to do. Before then, we need to explore the nature of these duties, more specifically their collective nature and the moral responsibility that I will argue can be grounded in a failure to fulfil them. We will turn to these in sections 4.4 and 4.5. First, let us address two concerns that this approach might present.

Firstly, we might argue that we did not actually participate in the setting up of the state and further, most of us did not choose to be a part of this particular citizenry. Secondly, we might wonder why this process of setting up the state as an independent moral agent is not

²⁸ See s.3.3 and s.1.3

a kind of hand-over process. Why, if the state is its own moral agent and we have created it to fulfil our duties, do we have to be concerned with it at all? Is it not precisely the state's role to perform those tasks which we cannot or do not want to perform ourselves?²⁹ Much of this worry should be dispelled by the arguments presented in Chapter 5 which illustrate citizens' close, on-going relationship with the state. Here it is helpful to note that a part of this disagreement might stem from different views of what political representation is about.

We might adhere to what Pasternak refers to as the authorization model, where citizens authorize representatives, and once authorized, representatives have effectively been handed the 'right to govern.'³⁰ On a democratic version of the authorization model, this authorization must be under conditions of freedom of choice between viable and reasonable alternatives and with access to the relevant knowledge about the potential representatives. Even so, democracy does not work in the Hobbesian sense of handing over all rights to an absolute sovereign; democracy, meaningfully construed, requires a thicker sense of representation than a one-off authorization each election cycle. I take this to be a widely accepted view in both real politics and contemporary political theory. That being said, the arguments made throughout Part II will serve to illustrate the value and need of this thicker sense of representation. The model I have presented and will defend throughout Part II requires 'substantial representation': the representative must act in the best interests of the governed, but not against the public's wishes (unless there is good reason to).³¹ That is, while representatives are entrusted with pursuing the best interests of the citizens, they should also take citizens' wishes into account. Since citizens will not

²⁹ See pp.18-19 of the Introduction for a more detailed discussion of this.

³⁰ Avia Pasternak, "The Collective Responsibility of Democratic Publics," *Canadian Journal of Philosophy* 41, no. 1 (2011): 112.

³¹ *Ibid.*, 119.

have express preferences or wishes on a number of questions that representatives will face, their guiding line in decision-making is citizens' interest. In cases where citizens have express wishes, the representative ought to take these wishes into account, even if ultimately they are not acted upon.

Note that this still allows citizens to outsource complicated policy decision-making and practical problem solving in the fulfilment of duties, but it does not leave the entire moral burden at the feet of the state. Not all states or citizens function with this kind of democratic representation; I suggest, however, that in a functioning democracy, they should. Where this is not the case, we should hold citizens as a collective to have a duty to create this kind of representation, not only to ensure a functioning democracy but also because it is most likely to prevent their state from performing unjust acts. Where democratic citizens fail to do this they are creating a 'responsibility-laundering' state, a corporate agent that acts for them but for which they take no responsibility.

4.4 Citizens as a Collective

The model of citizenship I have presented suggests that citizens are a collective in one key way: they all participate in the practice of having a state. But this is a very thin idea of what it means to be a collective. The Oxford students who participate in the practice of dining at high table do not form a collective in the sense we are after here.³² But similarly, citizens as distinct from their state are clearly not the kind of organized collective that a corporate agent might be.³³ There are two questions at hand here: can citizens be viewed as a collective, and do they *act* as a collective in any meaningful sense? I have argued that

³² This example is drawn from Valentini, "Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism."

³³ See s.1.1 for a discussion on the criteria for corporate agency.

citizens create and uphold a state which is itself a moral agent that can act, bear duties, and be held responsible. Furthermore, the state is set up for the very purpose of fulfilling certain duties that belong to individual citizens but can best be fulfilled collectively. If however, the state is set up to act on behalf of citizens, is there any way in which citizens as a collective act separately from what the state does on their behalf? Are they a collective in any sense beyond the initial act of endorsing the state? I answer both of these questions in the positive: citizens are a collective in virtue of their shared goal and intentional membership of the state and they act as a collective insofar as they regularly and expectedly create collective outcomes. The second claim, that citizens regularly and expectedly create collective outcomes, is set against the background condition of the first, namely, citizens' collective participation in the practice of the state. We might be tempted to argue that the relevant set of arguments here is that which holds that individuals who create collective outcomes are not a collective but may under certain conditions have a duty to *become* a collective in order to co-operate in forming their collective outcome.³⁴ In the citizens' case, however, their collective outcomes and failures signal the ways they *act* as a collective (or fail to act as the collective they are) while their intentional membership in the state provides the background fact of citizens being grouped as a collective. Let us discuss these two claims in more detail.

4.4.1 Collective Participation in the Practice of the State

Citizens are a collective because together they support the existence of their state. Many of their individual actions are oriented toward this collective goal: they vote, they pay taxes, and they obey the law. These actions are carried out with knowledge of, and *because of*

³⁴ For a good discussion on duties to collectivize, see Stephanie Collins, "Collectives' Duties and Collectivization Duties," *Australasian Journal of Philosophy* 91, no. 2 (2013): 231–48.

their knowledge of, others' participation in this practice. Citizenship is, as Kutz describes it, a collective work.³⁵ One way to develop this view is to follow Miller's account of national responsibility. He suggests that there are (at least) two useful models of a group that can be seen to bear collective responsibility: the 'like-minded group model' and the 'co-operative practice model.'³⁶ These are not mutually exclusive models and as such real groups may show characteristics of both. This is true of nations, making them eligible for collective responsibility on Miller's view. The central aspect of a 'like-minded group' is that members all share the 'same general attitude.'³⁷ Not only do they share an attitude but they recognize this shared attitude, and act in light of the knowledge that they have the support of other members of the group.³⁸ A mob is a good illustration of this: while each individual may have slightly different intentions in joining the mob, 'what matters is that they all took part with the same general attitude.'³⁹ Miller attributes individual moral responsibility to rioters for those actions that can be ascribed to them individually. Where we can tell that one particular individual was the ringleader or the individual who beat the policeman, then they would be identified as 'bearing special responsibility'.⁴⁰ But often these causal links cannot be established, and then Miller argues we can, at the very least, assign outcome and remedial responsibility to the mob as a collective.⁴¹

Miller's second model is the 'co-operative practice model.' This model does not require any level of shared attitude, but instead points to cohesion through a shared practice in which individuals are all treated fairly. This model is illustrated with an 'employee-

³⁵ Christopher Kutz, "The Collective Work of Citizenship," *Legal Theory* 8, no. 4 (2002): 471–94.

³⁶ Miller, "Holding Nations Responsible," 249.

³⁷ *Ibid.*

³⁸ *Ibid.*, 251.

³⁹ *Ibid.*, 249.

⁴⁰ *Ibid.*, 251.

⁴¹ These concepts will be defined briefly below, in s.4.5

controlled firm'. Since all employees have a say in running the firm, decisions that are made create collective responsibility for the outcome, as all are 'beneficiaries of a common practice in which participants are treated fairly.'⁴² Similarly, a properly democratic country would also create this kind of collective responsibility. Since minority groups would still be beneficiaries of this practice, they would still be held collectively responsible. Again, Miller allows for particular individuals to be held responsible for those acts that can clearly be attributed to them. But in addition, Miller holds that 'the group is collectively responsible, so that other things being equal they are remedially responsible for restoring the damage they have caused, and that every participant bears an equal share of responsibility.'⁴³

There are a number of reasons to doubt that these models can do the work we are asking of them.⁴⁴ While it may be accurate to describe a nation as a co-operative practice in which one is treated fairly and benefits equally, it is not clear that it is these factors that do the work in grounding responsibility. We can imagine a group that does not allow for members to control decision-making whom we nevertheless hold responsible: consider the members of a military unit, for example. They would not be able to control the decision yet we would, in certain conditions, hold them liable for the collective harm they cause.⁴⁵ We can also imagine cases where the benefits are not distributed fairly yet we hold members liable for the collective's action: consider the many institutions that have traditionally paid women less than men for similar work. It seems that what counts here,

⁴² Ibid., 253.

⁴³ Ibid., 251.

⁴⁴ Much of the arguments that follows in this paragraph owes inspiration to Avia Pasternak, "Mobs, Firms and Nations - a Critique of David Miller's Account of Collective Responsibility.," in *Conference in Honour of David Miller.*, 2015.

⁴⁵ Ibid., 23.

then, is the intentional participation in these practices rather than the benefit or system of decision-making.

Perhaps, these are cases that are captured by the like-minded prong of Miller's argument. These two models are intended to cover the range of different cases. At times they will overlap but often only one model applies, which is sufficient to ground responsibility. Yet, when we turn to the like-minded model it again seems unclear what aspect of the model does the work in grounding responsibility. It is not enough that a group is like-minded; the key is that they act together in light of their like-minded attitude. What is doing the work in grounding responsibility is acting with a broadly shared aim, rather than the fact of a shared attitude. It is not that Miller neglects the relevance of the acting together but that it is unclear what additional work the shared *attitude* does in these cases. We might also worry that Miller's like-minded condition does not have the resources to ground responsibility in very diverse contemporary citizenries. Miller knowingly 'leave[s] aside the special issues that are raised by national minorities or by the phenomenon of territories in which national populations are intermingled.'⁴⁶ He admits that it is a 'gross simplification' but argues that it is a necessary one given the complexity of the arguments at hand.⁴⁷ While I think it is possible to argue that citizens of liberal western democracies share a political culture, this is much thinner than the shared cultural, linguistic, and value ties of the nations that Miller has in mind and so may weaken our case for citizens being a responsibility-bearing collective.

⁴⁶ Miller, "Holding Nations Responsible," 244.

⁴⁷ Ibid.

It appears then as if it is intentional participation in a group that is key to grounding responsibility. Is it possible to consider citizens of a liberal western democracy to be intentionally participating in the state? I think so, and set out an argument for it, following closely in the footsteps of current thinking on the issue by Kutz, Stilz, and Pasternak. For Kutz, ‘collective action is the product of individuals who orient themselves around a joint project [...] When suitably combined, individuals acting upon participatory intentions achieve jointly intentional action, and the group of which they are a part can be said to have acted.’⁴⁸ That is, ‘an individual acts collectively when her intention to perform a certain act is informed and rationalized by some goal, which is shared by individuals other than her.’⁴⁹ While we talk about a collective intention, it does not refer to a ‘supra-individual mental or functional state, but to the region of overlap among individual participatory intentions.’⁵⁰ Here, we might be worried that there is little to differentiate a shared participatory intention with Miller’s like-mindedness. There does seem, however, to be an important difference between having broadly shared, overlapping intentions and having a shared attitude. When it comes to Miller’s national responsibility, a shared attitude implies a broader range of shared background commitments that is not required in sharing an intention. As mentioned previously, it is this requirement of a range of shared background attitudes that could limit our ability to assign responsibility.

We can describe citizens as a collective because they have participatory intentions toward the state, or as Pasternak argues, they are intentional members of the group. While they may not co-intend each specific action of the group, they share an intention of being a part of this group: ‘they are reflectively aware of their citizenship status and that status informs

⁴⁸ Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge: Cambridge University Press, 2000), 67.

⁴⁹ Pasternak, “Limiting States’ Corporate Responsibility,” 368.

⁵⁰ Kutz, *Complicity: Ethics and Law for a Collective Age*, 108.

some of their activities (e.g. applying for a passport, claiming state benefits, voting); they are aware (or can be reasonably be expected to be aware) of their state's policies, or of the fact that there are some policies of which they are ignorant; and their membership status is not imposed on them against their will.⁵¹ That is, they could renounce their membership without incurring unreasonable costs, or, alternatively, if they would have to bear unreasonable costs, those costs are not the reason that they choose to stay. As Stilz suggests, 'though they do not know each other personally, citizens still participate in a shared activity together: they uphold, reproduce, and sometimes direct, a common scheme of law.'⁵²

We might be concerned that the state is coercive or hierarchical in a way that makes it odd to describe citizens meaningfully as intentional participants. Stilz argues that these features in themselves are not sufficient to deny a group collective agency. Using an analogy of a shared coffee shop venture, Stilz argues that if a manager was introduced who made day-to-day decisions and who was given power to fine those who did not play their part, we would not think that this meant the venture was no longer the collective it was at the start.⁵³ This holds so long as the manager can be seen to be acting in line with a reasonable interpretation of the venture's aims.⁵⁴ Insofar as the manager is enacting the aims of the partners, and can be fired if she fails to do so, the partners are self-governing through their manager. They have reason to play their part, to come in to their shift on time, outside of the threat of a fine from the manager. Similarly citizens of a state have reasons to participate in the practice of having a state beyond the threat of coercion if they fail to do

⁵¹ Pasternak, "Limiting States' Corporate Responsibility," 371.

⁵² Anna Stilz, "The Value of Self-Determination," *Oxford Studies in Political Philosophy*, forthcoming 2016, 7.

⁵³ *Ibid.*, 8.

⁵⁴ *Ibid.*, 13.

so. They are intentionally participating in a joint venture of having a state, and coercion and hierarchy serve to aid that process, just as hiring a manager was necessary to help the partners when the coffee shop became too busy.

Intentional membership therefore illustrates that citizens can be viewed and treated as a collective. This is a crucial step as it justifies the collective duty of citizens to bear the benefits and burdens of the practice of having a state, even when we cannot identify the exact contribution of each individual citizen. The nature of large collectives often precludes individual actions from making a meaningful difference. Yet, through intentional membership, we can see citizens as endorsing their state, and as complicit in their state's acts, even when they may not wish to support a particular state action. Scholars such as Stilz and Kutz use this line of argument to justify citizens being held liable for their state's actions. That is, citizens can be held task or remedially responsible, they are expected to bear the burdens of the acts of their state. I endorse this position; the model of citizenship elaborated in this thesis grounds this kind of liability. I want to argue, however, that there are further features of citizenship of liberal western democracies that can, at times, ground collective *moral* responsibility for the wrongs of their state.

In the account presented here I argue not that citizens are *individually morally complicit* in the collective harms of their state, but that they together form a collective that can be held morally responsible (s.5.2). It can, *as a collective*, be under a duty, bear costs, be morally appraised or treated in a certain way. It is not however, a collective moral agent in the way we described the state. The state, if we recall, has a decision-making procedure or constitution that creates decisions and intentions that are independent of the decisions of its individual members. Citizens as a collective have these decision-making procedures of the

state available to them: the state is a closely connected agent, with the role of being citizens' spokesperson. Citizens as a collective are, however, a separate group whose collective outcomes and failures are not always, or even often, mediated through formal decision-making procedures. It is these outcomes that often encourage or endorse state injustice. I will argue therefore that citizens as a collective should bear moral responsibility for these outcomes.

Pasternak, similarly, offers an account of democratic public's collective moral responsibility. Her account is based on the intentional membership view we have just set out. My view, however, while drawing on Kutz's intentional model, goes further in order to provide a more inclusive account of collective moral responsibility. In what follows I will begin to lay the foundations for that argument, suggesting that citizens perform collective acts that go beyond their collective endorsement of their state. Citizens' daily interactions do not often exhibit shared goals or participatory intentions yet they predictably create collective outcomes and so should be viewed as the acts of a collective. Before developing these arguments, let us consider Pasternak's view in more detail.

On Pasternak's account, collectives are able to act collectively or express collective intentions outside of formal decision-making structures. She argues that so long as citizens are able to reflect on their collective behaviour and change it, we can hold them responsible for it, at least up to a point. These collective actions and intentions do not depend on unanimous, conscious, or explicit endorsement; they can be reflected in 'patterns of behaviour', 'general practices', 'common expressions in the media and public discourse', 'implicit or explicit support', or the 'pattern of the public's political views and

tendencies.’⁵⁵ This appears to offer an expansive view of citizen responsibility but ultimately Pasternak argues that democratic publics are only going to be responsible where they actually display collective behaviour, that is, where public opinion is ‘decisive enough’ and perhaps even, as Kutz holds, ‘near consensus.’⁵⁶ She concedes that this ‘considerably limits’ the cases where collective moral responsibility would apply but suggests that cases like US citizens’ ruinous attitude toward the environment or the Israeli public’s attitude to the peace process offer examples of citizens’ collective intentions.

I share Pasternak’s view that citizens’ general attitudes and patterns of behaviour are important in determining responsibility (see s.4.5.1; s.5.1.2). I will disagree, however, that they only matter insofar as they appear to represent a collective endorsement or intention. Pasternak argues that endorsement need not be unanimous, explicit or even conscious, and so it seems odd to describe this behaviour then as *intentional*. I will argue, instead, that this behaviour (such as expressions in the media or a ruinous attitude toward the environment) regularly creates expected collective outcomes even when they are not individually or jointly intended. Citizens’ responsibility rests then not just in collectively, intentionally endorsing a particular outcome (which, may sometimes be the case) but in unreflectively allowing their individual actions and attitudes to interact to create expected outcomes that influence, endorse or allow their states’ unjust actions. One advantage of the account presented here then is that while it expands the instances of collective moral responsibility, it maintains a more robust threshold for collective intention, which may go some way toward placating critics of the collective view, and more clearly delineates how stringent a form of moral responsibility may be appropriate (see s.4.5). There is much more to be said however, to justify this position, so we turn to this task now.

⁵⁵ Pasternak, “The Collective Responsibility of Democratic Publics,” 108, 109.

⁵⁶ Ibid.

4.4.2 Acting as a Collective

As individuals, most citizens are not capable of significant influence or meaningfully holding their state accountable on specific issues, nor do they receive substantial benefits. As Beerbohm has noted, ‘in our lifetime of voting, we are more likely to be killed—whether by accident or foul play—in our trek to the polls than to cast an efficacious vote.’⁵⁷ The collective outcome of their individual actions, however, does have meaningful impact. In an election this is more evident: each citizen is aware that it is their vote together with all other citizens’ ballots that will collectively determine their government. But citizens do not always co-ordinate to achieve certain ends. Frequently, it is uncoordinated actions of citizens that result in significant collective outcomes.

There are many different kinds of collective outcomes; our actions combine endlessly in a social world. Sometimes this is intentional, such as together participating in an auction and thus creating a redistribution of goods that could not alone have been achieved; at times it is unexpected, such as the traffic jam on the highway on a rainy Saturday afternoon; at other times it might not be intentional but is predictable, like traffic caused by care-givers dropping children at school. There are many collective outcomes therefore that are morally neutral, perhaps regrettable or considered fortunate, but that are not morally praise- or blameworthy. Here, however, I will argue that citizens’ collective outcomes can be regular, expected and morally salient. Note that the argument here is not that all (relevant) citizen actions share participatory intentions. Instead, the claim is, that given the fact that

⁵⁷ Beerbohm, *In Our Name: The Ethics of Democracy*, 53.

While Beerbohm makes this point, his overall argument holds that individual citizens should be held morally responsible for the acts of their representatives. There are two key differences between Beerbohm’s work and the view presented here. Firstly, Beerbohm does not engage with the issue of outward-looking duties of citizenship but focuses exclusively on the internal relationship between citizens and their representatives. Secondly, his view focuses on individual responsibility. As will be developed in this section and throughout Part II, individuals are not able to meaningfully influence the state alone, yet as a collective they can and do. A focus on the individual level therefore misses out on an important range of cases that this project hopes to capture.

citizens do have these shared participatory intentions in some, important cases (such as endorsing a state, and electing a government), this gives their other, less intentional, collective outcomes moral relevance. While we would not hold a random collective morally responsible for the ways their interactions create collective outcomes beyond their knowledge, we can, or so I will argue, hold citizens responsible for these collective outcomes because they have a duty to be aware and reflective about them given their collective participation in having a state. I have also argued that citizens have a collective duty to hold their state accountable (s.4.3), which grounds further reason for citizens to pay careful attention to the way their collective outcomes influence their state, and as such, creates room to hold citizens collectively morally responsible when their state acts unjustly. I will argue in the next chapter that there are multiple ways in which citizens influence the state through the outcomes they collectively produce. These collective outcomes do not only at times reflect a failure to fulfil this collective duty, but often actively work against it (see s.5.1; s.5.2).

i. Unpacking Collective Outcomes

There are at least three kinds of collective outcomes that citizens could be involved in. Firstly, there are outcomes that are a consequence of a deliberate collective action, either through formal decision-making procedures or shared participatory intentions. Consider citizens' election of a government. Secondly, some collective outcomes have no clear collective attached to them. Consider the traffic jam: it is the result of many individuals interacting to create an outcome that they could not alone create. There is however, no co-ordination or participatory intention. Thirdly, there are cases where a collective outcome is required but those present fail to create it. A rescue case is illustrative: consider a person

drowning in the sea who calls out audibly to a large group of sunbathers on the beach.⁵⁸ While they are capable swimmers, they are not the assigned lifeguards but are each individually or in small groups enjoying a day at the beach. None of them has a special relationship to the swimmer in trouble. When the swimmer calls for help, it is not clear which of these beachgoers has the duty to jump in. No single individual has a specific duty to rescue the drowning person since they are all equally capable and present to perform the task. Nor does every individual have such a duty, as this would result in the chaos of individuals competing to fulfil a single duty. Yet we would still wish to assign some responsibility if no one stepped in to rescue the drowning person. No individual has failed to fulfil a duty and so no individual can be held responsible, but the collective could be responsible for not providing a rescuer even though there were many available within the group.⁵⁹ The collective could have created a just collective outcome but failed to do so.

It appears then that only in the first case do we have a *collective* acting in the sense that the group has shared participatory intentions to reach a shared goal. In the other cases, we have individuals, who outside of this specific collective outcome, are in no way related. Without this background relationship or a shared intention, it seems odd to describe them as a collective, even where there is a clear collective outcome or failure. I want to suggest, however, that when these individuals are in an existing collective our view changes. Even if the collective is not in that moment jointly intending that collective outcome, the facts of their background organizational structures, and knowledge of each other, influences the

⁵⁸ Joel Feinberg, "Collective Responsibility (Another Defense)," in *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics.*, ed. Larry May and Stacey Hoffman (Maryland: Rowman & Littlefield Publishers, 1991), 73.

⁵⁹ We might think that they each have a duty to rescue providing no-one else does, yet this would still leave us uncertain of who had violated a duty when all on the beach fail to rescue – there would be an over assigning of responsibility if all beach-goers were held responsible for individually not rescuing the drowning person. Viewing the case in this way will also create conditions conducive to free-riding.

extent to which we can hold them collectively responsible for the outcome or failure. Consider, then, a traffic jam that forms outside a school each morning making it impossible for students to get to school, and parents to work, on time. While the drivers of each car are not co-ordinating this action intentionally, the result of their individual actions combines to create a collective outcome. Given that this occurs each school day, we might think that care-givers dropping off students have a duty to co-ordinate in order to regulate more closely the collective outcome they are creating. We think about this case differently because it is not episodic in the way a traffic jam on the highway is. The care-givers either know each other or through the school have structures in place to organize easily. It is not just that they might have a duty to organize into a collective but that they are already, in one way, a collective. Even though this action may not have been jointly intended, the fact that their individual actions interact is expected given the background fact of their collective participation in the school.

In the rescue case discussed, I suggested that we could hold the collective accountable for not producing a rescuer. Alternatively one could hold that the individuals are to blame for not forming a collective. That is, that they are not a collective to be held responsible but that they had a duty to create a collective in order to fulfil the duty to rescue the drowning person. Again, however, a slight change to the case is illuminating. Consider the case if all the bathers are members of a tour group on a private beach. They do not all know each other personally but they are all part of a messaging service group such that they can send text messages to the group to aid organization and tally preferences. When they fail to rescue the swimmer they are not jointly intending to do so, but nor are they failing to collectivize. The infrastructure to act collectively is in place, but they are failing to make use of it.

ii. *Citizens' Collective Outcomes*

Returning to the citizen case, the kind of collective outcomes that concern us have become more evident. Similarly to the school traffic jam, citizens' collective outcomes are often not intended but are a consequence of individual actions. Citizens' shared participation in the practice of the state specifies which individuals' actions will interact in this way. In addition, their shared participation in the practice of having a state means that they are aware that their collective will informs (or should inform) state decision-making. These parameters mean that these kind of collective outcomes are regular and expected. It is not that they are predictable in content, but the fact that citizens' actions interact is expected. Similar to the beach rescue case, citizens have channels available to them to co-ordinate collective action because of their participation in the shared practice of having a state. The group is clearly defined, and there are local, regional, and national political forums available to citizens. When citizens fail to bring about a just outcome, they are not failing to collectivize but failing to act as the collective that they are. The fact that they have the channels available to co-ordinate should be included in the calculation of how to act: an individual citizen should not just consider what they could do alone, but what they are able to achieve together. If the drowning swimmer could only be rescued by a collective effort we would expect the bathers to act according to what they could do together, not to refuse to act after calculating what they alone could achieve. We have discussed then two kinds of cases where collective responsibility can be grounded: (i) citizens' can be held collectively responsible for their collective outcomes as they are regular and expected given their shared participation in the practice of having a state, and (ii) citizens' can be

held collectively responsible for their collective failures given the structures of co-operation are available to them.⁶⁰

Citizens' knowledge of their collective outcome and their ability to prevent a collective failure is explicit given the presence of the state as the agent that, in many cases, acts out this outcome, such as forming a government as voted for by the citizens or responding to a demand. It is not simply that the state or government is acting (and not citizens as a collective) but rather that because of the intricate link between the agency of citizens and their state, the collective outcomes they produce are often clearly visible. This visibility is relevant because it shapes our intuitions about the nature of the collective outcome. We would think differently, for example, in instances where individuals' actions consistently interact with each other to create collective outcomes but it is harder for these individuals to be aware of these outcomes. Consider a small, isolated village where everyone washes clothes in the river with a new soap that has been introduced in recent months. The use of this soap makes no real impact on fish in the river, but when combined with the soap used by the next village downstream creates poisonous substances that are lethal to fish, which has serious consequences for those further downstream. The villagers upstream are not aware that their actions have this consequence, and it would be difficult for them to work this out, at least in the short term. We may be more concerned calling the poisoning a collective outcome given that participants had no sense that there were others with whom their actions were interacting. The case of citizenship, however, is perhaps more akin to that of farmers with a social norm of disposing of their waste on a nearby neglected plot, who would have reason to consider how their actions might interact with each other because they are aware that their actions are happening alongside others'. Similarly,

⁶⁰ That is not to say they ought to be held responsible for *all* collective outcomes and failures. The criteria will be discussed in s.5.1-s.5.3.

citizens have reason to reflect on the ways their political actions may interact with their fellow citizens' because the background fact of the collective project of the state makes them aware that these interactions are likely, and in some instances, such as national elections, intended to do so.

Finally, the collective outcomes we are interested in here are those that are morally salient. Citizens' collective outcomes are frequent given shared public space. Here, though, we are not interested in the many examples of collective outcomes evident in the use of public roads or parks. Instead, we are interested in those cases where, by virtue of the interaction with others, what was an innocent individual act combines with others' innocent actions to create a morally culpable collective action, or when what alone is a slightly blameworthy act is compounded to create great harm. Many environmental harms take this form: individually driving a petrol-fuelled car is arguably either innocent or only somewhat blameworthy, and is in fact alone unlikely to make a significant impact on the environment. In combination with the acts of others, however, the driving of a petrol-fuelled car produces the significant harms of climate change. The moral salience of the act changes in a way that can only be accounted for by its collective nature. This is not the only kind of collective outcome that is morally appraisable. In the first case we discussed, where a group colludes and plans together to create the outcome, we would similarly wish to hold the collective accountable. In the case of citizens, these intended, collaborative outcomes are less frequent than the perhaps unintended but foreseeable collective outcomes I have described here. In Chapter 5, I will argue that these kinds of collective actions tie citizens to their state and make citizens not just responsible for the benefits and burdens of the practice of the state but collectively morally responsible. Before turning to

make this argument, I will set out what is meant by this idea of collective *moral* responsibility.

4.5 Moral Responsibility

The term responsibility is used in a number of different ways in common and philosophical language. We might, for example, say someone has a responsibility to do X, or that the fact that X happened was their responsibility. On the one hand, it can point to something like blame: if I break a teapot, when the owner finds the broken teapot and asks who is responsible, I would have to own up and take responsibility for my action. On the other hand, it can indicate something like an obligation: if I am responsible for providing tea and cakes for our meeting, I ought to do it. Feinberg's distinction between a duty and a responsibility helps to clarify what such a forward-looking responsibility would be. For Feinberg, a duty designates something specific that we need to do whereas a responsibility calls on us to do what is necessary to bring about a specific end.⁶¹ One could, for example, have a duty to swim out to save a drowning person at the beach. A responsibility in this case could have been to ensure, as best one can, that no one drowns on the beach while you are there. One way to fulfil this responsibility is to swim out to save the drowning person, but it is not the only way: one could warn swimmers of the bad currents or keep a careful watch over which swimmers are struggling. Task and remedial responsibility are often responsibilities in this sense. They are both responsibilities to 'put the situation right' and in some cases there will be many ways in which this can be done.⁶²

⁶¹ Joel Feinberg, "Duties, Rights, and Claims," *American Philosophical Quarterly* 3, no. 2 (1966): 141.

⁶² David Miller, "Distributing Responsibilities," in *Global Responsibilities*, ed. Andrew Kuper (Abingdon: Routledge, 2005), 95.; Stilz, "Collective Responsibility and the State."

⁶² Miller, *National Responsibility and Global Justice*, 100–104.

⁶² Stilz, "Collective Responsibility and the State," 195.

In the previous section, I set out two duties that citizens of a collective are under: (i) to ensure their state pursues their own interests justly and (ii) to ensure their state acts in accordance with the duties it has acquired in virtue of being an equal agent in the international sphere. Strictly speaking, these are more accurately described as responsibilities as they do not entail specific actions in order to be fulfilled. Yet for ease of exposition, in this thesis I will refer to them as collective duties so as to keep them distinct from the resultant moral responsibility that arises from citizens' failure to fulfil these duties. While these two concepts are very closely related (citizens' collective duties and their collective moral responsibility), it is useful to keep them apart because it allows us to cater for times where the failure to fulfil a collective duty does not result in moral responsibility but perhaps outcome responsibility. Outcome responsibility is a backward-looking responsibility that allocates the burdens or benefits of past actions. It is a form of causal responsibility, but a narrower notion that excludes random or unpredictable outcomes. Instead, it focuses on what the agent could reasonably foresee as a consequence of their action. An agent is outcome responsible if the action is attributed to them in such a way that 'other things being equal, the resulting benefits and burdens should fall to [them.] If the consequences include harm to others, then outcome responsibility may, depending on the case, entail liability to compensate for that harm.'⁶³

In Chapter 5, I will argue that where citizens fail to fulfil their collective duty to hold the state accountable, they are collectively, morally responsible.⁶⁴ That is, not only should they bear the benefits and burdens of the action or rectify injustice but they, as a collective, are liable to moral assessment, involving judgments of praise, blame, reward, and

⁶³ Miller, "Holding Nations Responsible," 245; Miller, *National Responsibility and Global Justice*, 87.

⁶⁴ The mitigating factors and exceptional circumstances will be discussed in s.5.3 and s.6.3.

punishment.⁶⁵ To assign moral responsibility is to indicate that the action (or inaction) exhibits a level of moral virtue or fault and so requires investigation into questions of intention, neglect and obligations.⁶⁶ I will argue that when citizens as a collective fail to fulfil their collective duty, we can in some cases hold them collectively, morally responsible. Miller, on the whole, avoids arguments about collective moral responsibility, focusing instead on the outcome and remedial responsibilities of nations. We should note, however, that his view is not entirely incompatible with the account presented here. He does not exclude the possibility of national moral responsibility altogether but rather considers it to have more stringent requirements: deliberate deprivation, recklessness or failure to fulfil an obligation.⁶⁷ Miller asks us to consider someone who is a poor gardener. His yields are poor because he is clumsy with his seeds and inefficient with his nutrient distribution. Miller suggests that he is to be held outcome responsible for his poor yields, but not morally responsible. Miller does add the disclaimer however that he would be morally responsible in circumstances ‘where he has an obligation to try to produce a better result,’ say for example if his family is dependent on this crop.⁶⁸ In my view, presented in Chapter 5, citizens as a collective are, at times, failing to fulfil an obligation, recklessly disregarding their collective outcomes, and deliberately depriving others.

It is valuable to invoke moral responsibility for at least two reasons. The first is that the state’s failure to fulfil requirements of global justice leads to a range of morally unsatisfactory situations: extreme poverty, exploitation, and often, death. It therefore appears to be a matter of moral import, and so one that brings about questions of moral

⁶⁵ Miller, “Holding Nations Responsible,” 246.

⁶⁶ Stilz, “Collective Responsibility and the State,” 195.

⁶⁷ Miller, *National Responsibility and Global Justice*, 100.

⁶⁸ *Ibid.*, 90.

responsibility.⁶⁹ Currently there seems to be a gap in our description of the moral world; there are large-scale harms occurring in the global realm but no responsible agents. We have created a world where, as personal moral agents, we are distanced from some of the gravest moral wrongs of our times. There are often good reasons for this, as we alone do not cause these wrongs. Nevertheless, I will argue that as a collective we do contribute to them, and so should be held responsible. Assigning collective moral responsibility therefore has the virtue of more accurately mapping the moral world.

Secondly, moral responsibility plays a particular role in motivating citizens to improve the situation. The threat of financial sanction may motivate citizens to engage with their state. Yet, it is more valuable that citizens act well out of a moral motivation rather than this self-interested financial one. The results may, in some cases, be the same but citizens will remain mainly self-interested rather than other-regarding. In other words, this kind of financial motivation encourages citizens to act to secure their own interests, but not necessarily those of society or their fellow citizens. This kind of self-interested motivation does not extend to cases where rectification will not be demanded. Yet there are many such cases that are still deeply unjust and demand our attention: consider a state that has been a victim of injustice that does not have the resources to campaign for reparations or the international allies to assist them. Or, cases where there is a good chance the injustice can be kept from public knowledge or will be intricately combined with other acts such that the perpetrating agent is not clear. As a way to motivate citizen action, moral responsibility is more able to capture the range of cases that concern us.

⁶⁹ This kind of reasoning seems to do work in Pogge's argument as well. As Jagger articulates, Pogge places moral responsibility with governments and citizens on the grounds that they have 'violated the uncontroversial and morally fundamental requirement not to cause severe harm to innocent people for minor gains.' Jagger and Pogge, *Thomas Pogge and His Critics*, 4.

Yet, despite these reasons to assign moral responsibility there appears to be a wariness to assign moral responsibility to collectives for at least three reasons: (i) we do not wish to assign moral responsibility, and so praise or blame, to an agent that did not actually perform the relevant act; (ii) a collective is not an agent in the same sense that a person might be, and (iii) we do not want individuals to suffer in virtue of being a part of a collective that is morally responsible when they did not have any control over the collectives' actions. I will respond to each of these concerns in turn: in section 4.5.1 I will engage with the problem of bearing responsibility without having participated in the act itself, in section 4.5.2 I will consider the capacity to be held responsible. In the next chapter, in section 5.4, I will return to some concerns about collective moral responsibility, discussing collective punishment, blame, and guilt.

4.5.1 Responsibility without Participation in the Act

It can seem counter-intuitive to hold citizens morally responsible for an act that they did not themselves perform. For example, citizens as a collective do not institute a programme to entice nurses from a developing country to work in their national health system. Yet it seems to be an instance where A harms B for the benefit of C, where A is a government harming B, citizens of a developing country, in order to benefit C, their own citizens. In the abstract, we think that where (i) C is aware of what A is doing and lets A act, C owes B rectification (where A has not done so), and moreover C is to be in some way blameworthy for allowing A to act. If however (ii) C is not aware of what A has planned then we hold that C owes B rectification, and must rein in A if the harm is on-going. In the latter case, we would not think that C is blameworthy initially given C's lack of awareness of the harm.

There is however a third scenario that is more analogous to the kind of injustice occurring in the global sphere. In this scenario (iii) A harms B for the benefit of C, C does not know of the specific action that A had in mind, but C had explicitly demanded that a certain outcome be achieved and A believed that harming B was the only or simplest way to ensure this outcome. In this situation I would suggest that we do wish to hold C morally responsible to a certain extent even though C did not act. Not only does C benefit from the action but C influenced A to act in that way. We can further specify this case: perhaps (iv) C is aware of the range of avenues available for achieving their demand, and is aware that one way to achieve it involves harming B. If then, C does not express condemnation for the harmful option, can C reasonably expect A to be aware of, and choose, the more appropriate option? This will be case dependent, but it seems there may be some cases where a failure to specify the method gives us reason to hold C accountable for the demand. The weight of responsibility may differ between A and C, and between the first and last scenario, yet we intuitively feel that there is some level of responsibility in both.

It might also be the case that not only did C demand a certain benefit without being reflective about the action required to achieve it, but (v) C might participate in creating and perpetuating a shared culture that generally endorses these kinds of acts, or consistently turns a blind eye toward them. This culture makes it more plausible for A to interpret C's demand to require such an act and to interpret C to be implicitly acknowledging this, barring any explicit denial of the method. Consider a case where a CEO asks his subordinate to hire a new member of staff, and to ensure that they are 'going to stick around'. This CEO has been heard making and laughing at gendered jokes around the workplace, and the workplace has a predominance of male employees. If the hirer purposively does not consider female candidates (who, for example, might take maternity

leave shortly after being employed), we would consider him responsible for his discrimination. But we would also have grounds to consider the CEO responsible, even if he did not intend for his subordinate to disregard female candidates. Given the discriminatory environment that he participated in creating, he had a duty to be aware of what might be required to meet his demand and what might be considered an accepted course of action.

The case to hold C responsible is therefore strengthened when C contributes to a societal culture that permits or encourages the kind of harmful behaviour that is in question. In fact, we may consider the CEO to be responsible even if he did not contribute to the workplace's culture but was aware of it. He may have a less stringent duty than in the previous case, but again, he has a duty to be aware of what his demand might require in the circumstance in which he makes it. To return to the initial example, where citizens have made strong demands for more nurses in the national health system and the state has chosen to fulfil the demand through an (arguably) unjust policy of undercutting a developing country's offer to their nurses, citizens are implicated even though they did not themselves act. They may have been aware of this policy and thus implicated, or even where they were not, their unspecified demands played a central role in motivating the action. In addition, citizens arguably participate in a culture that emphasizes 'looking after our own' and seeking national advantage over other states in trade and negotiation even when that has considerable negative external effects. Even though citizens did not explicitly consider this particular policy, perhaps their endorsement of previous, similarly exploitative policies plays a role in allowing the state to interpret their demand in this way. Consider for example, a citizenry that supports non-participation in climate change agreements in order to support their own state's development regardless of the costs to

small island states, or that supports subsidies or trade tariffs against one-crop economies in order to protect their own local agriculture. This is not an argument that these are necessarily all unjust policy decisions, but they develop a pattern of considering domestic concerns with minimal concern for the international impact, which may in turn licence states to continue to act in this way, even in cases where citizens might be more reluctant to endorse the specific policy (see also s.5.1.2).

There seem then to be at least five ways in which making a demand can make you complicit in the resultant action and, where it is harmful, responsible. The demands in brackets serve as an example of each kind of demand, in this case in the context of a CEO of a financially corrupt corporation issuing demands to a member of her staff. The first kind of demand is when one straightforwardly demands a specific, wrong act. ('Make sure the auditors don't see this form.') The second is a demand that comes with a threat of sanction and without any specification of how it ought to be met. ('That promotion you are expecting depends on this audit going smoothly.') Third, a demand with a specified non-harmful course of action but with severe threat of sanction for failure to achieve the outcome such that the pressure may influence someone to pursue a harmful course of action that is more likely to result in success. ('Co-operate with the auditors. I expect the audit to go smoothly. If not, you will be out of a job and won't have much of a chance of a job elsewhere.') Fourth, the demand for a specific outcome that cannot be achieved with the suggested method, and so implicitly endorses some other course of action. ('Don't break any rules but make sure that the auditor doesn't find anything suspicious.') Finally, a demand without a specified method alongside a societal culture that one has contributed toward maintaining and that explicitly or implicitly endorses the harmful action. ('Make

sure the audit goes smoothly' alongside a culture of rules being bent, information being covered up, etc.)

One response to this analysis will point to the agency of the acting individual: if she chooses to hide the form or mislead the auditor, that is her choice and so she should be held responsible for this choice. But she can be held accountable for her choice, while still holding that the CEO who made the demand may also be responsible. How the responsibility is distributed will depend on the case, both between the five kinds of demands I have suggested, and between more or less extreme versions of these demands. As we have discussed, however, choice is not always the most relevant factor. I pointed out, following a strong strand of feminist thought, that 'when individuals or groups systematically choose options that disadvantage them, and on the swing side advantage others, a focus on the choice misses the more salient point of injustice. This is particularly true where the group or individual who is advantaged is also influencing the disadvantaged group to make that choice' (s.3.3). Similarly here, when strong demands are made (often in the name of advantage for the demander), we have reason to widen the scope of responsibility beyond the acting agent.

4.5.2 Capacity to be Held Responsible

A second worry is that the kind of collective I have described does not have the agency required to be held morally responsible. We can hold it to be responsible to rectify a situation or to bear the costs of an outcome, but we can only hold fully rational, moral agents to be morally responsible. Sheehy offers an insightful response to this line of

argument. He suggests that we can have degrees of moral judgment.⁷⁰ A full-blown moral agent like an ‘unimpaired human adult’ is judged by a certain standard, and entities which approach but fall short of these qualities are judged by another standard.⁷¹ Consider, for example, treating children and mentally impaired persons according to a different moral standard. Sheehy notes that this is not the same as saying collectives or children are *in a sense* responsible; instead it suggests that they are responsible *up to a point*.⁷² While our moral language does not include the variety necessary to capture these different standards, Sheehy argues that when we say the man, child or group was bad, ‘we recognize [...] that different standards and expectations may apply to each class of judged.’⁷³ Even if it is the case that the collective does not possess the same level of moral agency as (some) individual persons, it may still be subjected to moral evaluation, although perhaps with less stringent criteria. Do we then lose the value of moral responsibility if it is ‘weakened’ in this way? I do not think so. We use the concept of moral responsibility frequently without needing to attach it to severe moral consequences or punishment. It has an important expressive function that remains even when we do not wish to hold the relevant agent to full account.⁷⁴ For that reason, I suggest that there is still considerable value in making citizens aware of their moral responsibility, both to describe the moral world accurately and in order to ‘responsibilize’ them; that is to begin to shape citizens into a collective that *takes* responsibility for justice.⁷⁵

⁷⁰ Paul Sheehy, “Holding Them Responsible,” *Midwest Studies in Philosophy* 30 (2006): 79.

⁷¹ Ibid.

⁷² Ibid., 80.

⁷³ Ibid.

⁷⁴ See s.5.4 for a full discussion of how the collective might be ‘held to account.’

⁷⁵ Pettit, “Responsibility Incorporated,” 200.

4.6 Conclusion

This chapter has served two overlapping purposes. It has continued to develop an account of the state and the related concept of citizenship within a state. In doing so, it has begun to lay the foundations for an argument for citizen responsibility for state action, setting up the concepts that will be used throughout the argument. We have established that citizens are a collective through their participation in the practice of the state, and importantly that this collective can be seen to act when it creates regular and expected collective outcomes. With this understanding of the citizen collective, this chapter set out an account of collective moral responsibility. This moral responsibility enables us to fill the responsibility gap between citizens and their state. Yet, because the responsibility is collective, we understand the responsibility to be less stringent than the moral responsibility of persons. With this framework in mind, we turn now in Chapter 5 to argue for assigning this collective moral responsibility to citizens.

CHAPTER 5. Expanding Citizen Responsibility: The Collective Lens

Chapter 4 offered us the foundations of an understanding of citizen responsibility. It argued that citizens collectively participate in the practice of having a state through their intentional membership, and following a growing consensus, agreed that this intentional membership can ground outcome responsibility for the acts of the state. I suggested, however, that there is a further argument to be made for the collective *moral* responsibility of citizens of liberal western democracies. This collective moral responsibility will serve to close the responsibility gap that exists between contemporary citizens and their states, a situation where citizens treat their state as a moral fall guy or responsibility-laundering machine. The responsibility is grounded on four features of citizens of liberal western democracies: citizens (i) ‘buy in’ to the democratic state; (ii) influence the decision-making of the state; (iii) enjoy the benefits of the state and (iv) are in a unique position to hold their states accountable. These are factors that contribute to tying citizens to their state’s behaviour morally. They are not all necessary conditions nor is each individually a sufficient condition. Working in combination, the four features ground moral responsibility.

In section 5.1, I will set out four claims about citizens as a collective in liberal western democracies, and then will go on in section 5.2 to argue that these four factors, working together, justify holding citizens to be collectively morally responsible for the acts of their state. In section 5.3 I will consider objections that arise in the case of what I term ‘rogue acts’, that is, where a state acts in a way that does not meaningfully represent its citizens. In section 5.4, I will consider what this responsibility might mean for the collective. I argue that it has three kinds of implications: those that impact the collective’s moral

standing; those that affect how others may treat the collective, and those that result in collective duties. In section 5.4.1 I therefore consider issues of collective blame and guilt, in section 5.4.2, collective punishment and attitudes of mistrust, and in section 5.4.3, apology and remedial duties. Finally, in section 5.5, I conclude.

5.1 Four Features of Citizenship in a Liberal Western Democracy

5.1.1 Democratic ‘Buy-in’

Citizens of liberal western democracies are not just interested in having a state, but a *democratic* state. There is an overwhelming endorsement of democratic values, both for their own state, and as the ideal to which all states should aspire.¹ A central feature of democracy is governance by the people, normally manifested in a free and fair election where representatives of the people are elected to govern. One American survey, for example, found a firm belief in ‘rule by the people’: 94% of their respondents said ‘the views of the majority of Americans should have a great deal or a fair amount of influence on the decisions of elected and government officials in Washington.’² Jefferson held that ‘the will of the people is the only legitimate foundation of any government.’ This view continues to be voiced: Brodie et al suggest that Americans are taught that ‘the bedrock of [their] democratic public is the ability of [their] elected officials to carry out the will of the people.’³

¹ The US Department of State sites that ‘Democracy and respect for human rights have long been central components of U.S. foreign policy’, and lists promoting democracy, assisting new democracies and democratic advocates, and renouncing undemocratic states as foreign policy goals. See US Department of State, “Democracy,” accessed June 1, 2015, <http://www.state.gov/j/drl/democ/>.

² MollyAnn Brodie et al., “Polling and Democracy,” *Public Perspective*, 2001, 12, <http://www.ropercenter.org/public-perspective/ppscan/124/124010.pdf>.

³ Brodie et al., “Polling and Democracy.”

This may seem implausible given widespread political apathy and the rise of anti-establishment movements in liberal western democracies. Many are disillusioned with politics as they encounter it. Yet, even when voters become disillusioned, the disillusionment is centred on political parties, individual politicians, or at worst, the present state of their own democracy. Consider the UK student electorate's disillusionment with the Liberal Democratic defection on student fee promises in the formation of the 2010 coalition. There was widespread dissatisfaction with the seemingly undemocratic results yet this did not translate into a rejection of democracy per se, but rather of these particular democratic actors. There is not widespread disillusionment with democracy *itself* in western liberal states. Once a president or parliament is elected, they are respected as representatives and are only removed in extreme circumstances, through the appropriate legal and political procedures. There remains then a commitment to living in a democracy, in a state where citizens' interests and rights are represented and protected by the state.

Some liberal western democracies have permanent minorities that seek secession. While these populations do often endorse democracy as a concept, they do not wish to be a part of the particular democracy they are under. It is not just that they do not support the government of the day, but that, regardless of who is in power, it is considered a foreign power ruling over them. In some cases, such as native populations of the US or Canada, their persistent claims to self-determination, as well as the continued injustice which limits their access to benefits of the state, may give us reason to exempt them from involvement in collective responsibility for what the state does. In other cases, such as the Scottish in the UK, it seems less clear. In addition to voting in favour of remaining within the UK in the 2015 referendum, the Scots persistently benefit from being a part of the UK in a number of ways, particularly financially, and further endorse the system by having

Scottish Nationalist MPs.⁴ Here it seems that while some harbour long-term goals of secession, in the current day circumstances Scots are endorsing the state they live under. It is possible then for minority groups not to ‘buy-in’ to the democracy they live under but only in exceptional cases.

Overall there is widespread support for the concept of democracy which gives us reason to hold citizens to the view that the democratic state is in some way a representative of their will. The endorsement of the democratic state, which is, as Franklin D Roosevelt described it, a ‘government [that] is ourselves and not an alien power over us’, gives us reason, as Stilz terms it, to ‘own up’ to its actions as a reflection of our joint will, or to act to ensure it is a reflection of our will where it is failing to do this.⁵

5.1.2 Influence

Democratic mechanisms enable citizens to influence the state in fundamental ways, beginning with the election of the representatives who form the government that governs the state. This formal authorization is combined with more subtle and complicated systems of influence. Citizens make implicit and explicit demands on their government through their civil society actions (including conventional NGOs as well as social media platforms) and consumer behaviour. The small everyday actions of citizens contribute to injustice (or justice) globally through their influence on state policy and action. This influence is not however always straightforward and can seem implausible when considering individual

⁴ There is perhaps some ambiguity here: if one elects a pro-independence party into parliament, does one endorse that government? Consider Sinn Féin MPs who do not take up their seats or SNP MPs who historically only voted on Scottish issues. These are tricky borderline cases, which will need to be resolved based on the intricacies of each case. Currently, the large number of SNP MPs in parliament, willing to vote on all issues, would make it odd to suggest those who voted them in were not part of the collective that shapes the state’s actions.

⁵ Franklin D Roosevelt, “Address at Marietta, Ohio,” 1938, <http://www.presidency.ucsb.edu/ws/?pid=15672>. Stilz, “Collective Responsibility and the State,” 198.

agents. State-sanctioned torture is a good example here. Waldron argues that when individuals are tortured their rights and security are ‘sacrificed in order to make the rest of us more safe’ and so it is important for citizens to recognize what the cost of this safety is.⁶ Yet liberal states that have been found to be using forms of torture have attempted to conceal their use from their citizens. This suggests that they perceive their citizens in general to be disapproving of such actions.⁷ Indeed, most citizens do not actively demand that their governments use torture and many would cite their objections.⁸ Yet the collective demand for security places extreme pressure on the state; some states would argue that this safety is not possible without the use of harsher measures. An unreflective demand for high levels of security does not specify the means that are acceptable to citizens and so arguably pressures the state to fulfil the demand with flexibility on the means that they use to do so. On the other hand, some citizens do actively endorse harsh methods in order to achieve security and so knowingly and purposively influence their state to act unjustly.⁹ In both scenarios citizens are influencing the methods of maintaining security, although to different extents and in different ways: in some (less common) cases citizens call for *a specific method* to be used in a certain scenario but more commonly, citizens push for *a particular outcome* that may pressure states to use certain methods. You do not have to go to the extremes of torture to illustrate this point. Many states have dubious relationships with arms dealers in the name of ensuring security through acquiring arms for their own

⁶ Jeremy Waldron, *Torture, Terror, and Trade-Offs : Philosophy for the White House* (New York: Oxford University Press, USA, 2010), 185.

⁷ As well as being conscious of international norms and agreements, such as the Geneva Convention.

⁸ Amnesty International, “Stop Torture Global Survey: Attitudes to Torture,” 2014, <http://www.amnestyusa.org/pdfs/GlobalSurveyAttitudesToTorture2014.pdf>.

⁹ One example is Marc A. Thiessen, a former speechwriter for President George W. Bush, who has since published a book defending waterboarding. See, Marc Thiessen, *Courting Disaster: How the CIA Kept America Safe and How Barack Obama Is Inviting the Next Attack* (Washington DC: Regnery Publishing, 2010).

state and channelling arms to the side of a conflict they endorse. Consider, for example, the UK's relationship with *BAE Systems*.¹⁰

There are multiple other instances where citizens' implicit and explicit demands and expectations lead the government to act in unjust ways. The demands of a capitalist, consumerist society can only be fulfilled with free trade conditions (or something like them)—conditions which are only possible with a number of international trade agreements, many of which are not made, or carried out, on fair terms. One such agreement can be seen in the NAFTA created between Canada, the US and Mexico. This free trade agreement, coupled with substantial farming subsidies in the US (an average of \$16 billion a year between 2002—2007), has seriously undermined the Mexican agricultural sector, forcing many Mexican farmers out of business, and drastically increasing illegal immigration into the US.¹¹ While the agreement in itself held many benefits, the unbalanced power relations that allowed US farming subsidies to continue meant that the agreement was not carried out on fair terms. The high demands of consumerist society can also be seen to push the state to permit certain (high) levels of greenhouse gas emissions in order to continue to provide the kinds of goods citizens demand.¹² Citizens may not intentionally or knowingly damage the environment or endorse unfair trade agreements, yet the unreflective demands that they make on the state push it in that direction. The rise of social media and blogging has seen a vast increase in

¹⁰ For a good interrogation of these types of 'unholy alliances' in global arms trade, see Andrew Feinstein, Paul Holden, and Barnaby Pace, *The Shadow World: Inside the Global Arms Trade* (London: Hamish Hamilton, 2011), xxiv.

¹¹ For a more extensive analysis of this see, Jeff Luckstead, Stephen Devadoss, and Abelardo Rodriguez, "The Effects of North American Free Trade Agreement and United States Farm Policies on Illegal Immigration and Agricultural Trade," *Journal of Agricultural and Applied Economics* 44, no. 1 (2012): 1–19.

¹² For example, both Canada and the US had CO2 emission levels above 540 000 thousand metric tons in 2008, in comparison to many less consumerist, developing societies that remained below 5000 thousand metric tons. For full statistics see, United Nations Statistic Department, "Millennium Development Goals Indicators: Carbon Dioxide Emissions (CO2)," 2015, <http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=749>.

citizens' ability to influence the state in this way. Citizen dissatisfaction or approval is widely publicized through platforms like twitter, and can be directly addressed to politicians with accounts. Just as opinion polls have the ability to influence a campaign, so too does this increasingly *public* public opinion begin to shape the decisions of politicians.¹³

As discussed in section 4.5.1, public culture contributes to decisions concerning which actions are considered appropriate. The strength of a demand, and what might seem like an appropriate way to fulfil it, will depend on the environment in which it is made. Public culture can be shaped by media of all forms as well as acts of various public institutions such as think-tanks, NGOs and of course, state institutions such as courts or the police. Consider the domestic case of racially biased police brutality in the US. Arguably in some parts of the US, this brutality was implicitly accepted by parts of a community that sustained a structure of racial oppression. Those guilty of unwarranted violence were not censured but supported, and the media continually reinforced the idea of the black man as the perpetrator rather than victim. This kind of public culture is currently being challenged in the US; citizens are speaking out against the actions of the state, making it explicit that this behaviour is not acceptable. This change in public tone is making a difference to the response to these cases.¹⁴ Just as social norms develop on a small scale within classrooms or businesses, citizens influence state action by the general attitude they portray. Consider the fearful environment in the post 9/11 US. The US government faced widespread fear

¹³ For example, one study suggests that Twitter is used extensively for political deliberation and that the mere number of party mentions accurately reflects the election result. Andranik Tumasjan et al., "Election Forecasts With Twitter: How 140 Characters Reflect the Political Landscape," *Social Science Computer Review* 29, no. 4 (2010): 402–18.

¹⁴ While there is still much reform required, in a more recent case, Michael Slager, a policeman from South Carolina, has been charged with murder for shooting Walter Scott in the back. Philip Sherwell, "South Carolina Police Officer Who Shot Fleeing Black Man 'Looked like He Was Trying to Kill a Deer in the Woods,'" *The Telegraph*, 2015, <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/11523591/South-Carolina-police-officer-who-shot-fleeing-black-man-looked-like-he-was-trying-to-kill-a-deer-in-the-woods.html>.

among their citizens and so read the country as implicitly endorsing radical measures in the name of safety and patriotism. A government is aware of the kinds of policies citizens will approve and those that will cost them politically, and this information (which is increasingly available through social media and polling technology) influences their decision-making. The argument is not that citizens should not make demands on their government but that we should seek to ensure our demands are within the bounds of justice. At times, this will require careful reflection on what acts might be required, or chosen, to pursue the demands we make.

5.1.3 Benefits

Citizens benefit, on the whole, by having a state.¹⁵ In addition to an overarching benefit, citizens also clearly benefit from many specific actions of their states. One example is the visa agreements between states that allow for free or less restricted movement between them. These agreements, such as the Schengen agreement in Europe, allow citizens to enjoy preferential treatment at borders and to avoid the high financial and time costs of acquiring visas. At the same time, it grants citizens the benefit of feeling that their home state is more secure as non-citizens' entrance is monitored. Citizens benefit as consumers and business owners when their state supports global regulations that allow businesses to outsource their labour with minimal regulations, or strictly enforce a uniform intellectual property rights regime. Similarly, if a state drives a hard bargain during climate change negotiations, citizens benefit (at least in the short term) with few restrictions on the carbon footprint of their daily actions and businesses.

¹⁵ They are, in the Hobbesian sense, better off than they would be in the state of nature. In addition, some theories of political obligation are based on gratitude or fair play, both of which imply the presence of a benefit. See, for example, A. D. M. Walker, "Obligations of Gratitude and Political Obligation," *Philosophy and Public Affairs* 18, no. 4 (1989): 359–64; George. Klosko, *The Principle of Fairness and Political Obligation* (Lanham, Md.: Rowman & Littlefield, 2004).

In many of these cases, not all citizens will benefit. When a company outsources their call centre to another state where cheaper labour is available, some citizens will lose their jobs. Farming subsidies often damage small-scale farmers while boosting Agri-business, and those who campaign for climate change and sell solar panels do not benefit when the state refuses to sign up for change. Ultimately however, citizens of liberal western democracies benefit from the acts of their state in the overall sense. Many policies clearly benefit some citizens more than others, and this will be considered in Chapter 6, but I think we should hesitate to believe the often-voiced complaint that current economic and social practices of states *only* benefit the already rich and powerful of our society. A policy that allows Primark to make all its clothing in largely unregulated conditions in Asia enables the owners of Primark to become wealthy, but it also offers a large range of cheap clothing to the average citizen. This is not a benefit to be dismissed lightly; in a society that prizes fashion, the ability to own a reasonable range of clothes is important to many citizens. It is also a good to be able to purchase school clothing and other essential clothing items at a low cost for those who would not be able to afford them at a higher price.

5.1.4 Position of Accountability

Democratic states like the US are sufficiently powerful to choose not to endorse certain international institutions, such as the ICJ, to refuse to sign environmental treaties like the Kyoto Protocol or to ignore the judgments of the UN on key issues like the war in Iraq. We should be cautious, however, to avoid the view that there is no accountability at all in the international sphere. Without a world state, the international sphere is lacking in democratic mechanisms of accountability but, as Grant and Keohane point out, there are

multiple other accountability mechanisms in place.¹⁶ Institutions such as the World Bank and IMF are held accountable by states through supervisory mechanisms (as members on their boards) and fiscal accountability (as contributors of subventions).¹⁷ Powerful democratic states are, however, chiefly held accountable by their internal democratic processes.¹⁸ Reputational and peer accountability can function between states but with limited success given the lack of consensus on what constitutes legitimate behaviour. Consider France, Germany and Russia's attempt to prevent the US's intervention in Iraq in 2003.¹⁹ In light of states' sovereignty in the global sphere, citizens of a democracy are best placed to hold the state accountable through democratic mechanisms that it recognizes. Grant and Keohane express concern, however, that reliance on domestic democratic mechanisms 'does not assure accountability to outsiders.'²⁰ Nevertheless, in liberal western democracies, the government's commitment to democratic accountability is higher than its commitment to international institutions, placing citizens in the prime spot to influence state action. If we take the recent crisis over the use of chemical weapons in Syria, this claim can be substantiated: despite convention requiring the UN to investigate the issue before action, both the US and the UK turned to their representative bodies to seek legitimacy rather than await approval from the UN (and respected their decision when this legitimacy was refused).²¹ Here, the aim is to capitalize on this existing mechanism of accountability, and to ensure accountability to outsiders with an argument to ground motivation for outward-looking duties.

¹⁶ Ruth Grant and Robert Keohane, "Accountability and Abuses of Power in World Politics," *American Political Science Review* 99, no. 1 (2005): 29–43.

¹⁷ *Ibid.*, 37. Other mechanisms discussed by Grant and Keohane include legal accountability, reputational accountability, peer accountability, or market accountability. See pages 35–37 for a full discussion.

¹⁸ *Ibid.*, 39.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ See Steinhauer and Martin, "Obama Seeks Approval by Congress for Strike in Syria."

The chief actor of the state, the government of the day, is ever conscious of the need to be re-elected and often tailors its actions to this end. We might despair at this attitude when governments fail to act justly when it might risk their standing with the electorate. This behaviour, however, highlights the power that the electorate has, and so the pressing need to create a demand for more just action in the global sphere. Citizens are not always able to leverage this position, particularly in the years between elections or when other strong influencing agents, such as large multinational corporations or powerful states dominate state action. The WTO, for example, is one international institution that has attempted to ‘formalize legal and supervisory accountability over the actions of sovereign states.’²² This can diminish citizens’ ability to hold the state accountable but does not deplete potential for them to do so. However, the argument is not that citizens always *do* hold their state accountable but that they are often best placed to do so. With a stronger public culture of accountability, and greater participation in politics, citizens would be able to generate much stronger links of accountability than we currently witness.

5.2 Grounding Collective Moral Responsibility

I have presented four characteristics of citizens as a collective in liberal western democracies: they buy-in to democracy; they influence their state’s decision-making; they benefit from state action, and they are best placed to hold their state accountable. These characteristics are not uniformly evident across liberal states or between different circumstances within states. In liberal western democracies, however, citizens as a collective are often in this position. I will argue now that this position grounds moral responsibility for the collective when the state acts unjustly.

²² Grant and Keohane, “Accountability and Abuses of Power in World Politics,” 39.

The central claim is that citizens do in fact influence what their state chooses to do. Not in all cases and perhaps not often in the details of specific policies, but the overall vision of the state and the *kinds* of policies it adopts are influenced by the government that is elected and by the nature of civil society and media influence in a particular state. We might be wary to ascribe responsibility for influence, particularly when it is not direct influence. Indeed, recall that while Pasternak agrees that ‘collective intentions and actions do not depend on unanimous, conscious or explicit endorsement,’ she holds that public opinion and endorsement of an issue needs to be decisive in order to ground moral responsibility.²³ In response to this view, I argued that citizens’ collective outcomes are not always intentional yet many of them are created regularly and expectedly and are morally salient (s.4.4.2). The background fact of citizens’ participation in the practice of having a state illustrated how these collective outcomes were regular and expected in a way that they were not for episodic collective outcomes. Here, I have presented further features of citizens of liberal western democracies: it is not just that they share in a practice of having a state but that they buy-in to the concept of democracy, influence and benefit from their state’s injustice and are in a unique position to hold their state accountable. Despite the indirect and often unintended nature of the influence, these background conditions I have set out suggest that there is reason to hold citizens responsible. While they may not have jointly intended an act, they participated in the creation of a collective outcome that they had good reason, and capacity, to regulate.

Let us consider then, the role of these background conditions. Firstly, I argued that citizens buy into a concept of democracy. That is, they endorse the idea that, working correctly, their state is representing their will. It should not therefore be a surprise that they are able

²³ Pasternak, “The Collective Responsibility of Democratic Publics,” 108.

to, and do, influence their state. It is at the root of what they understand governance to be. Secondly, I highlighted the ways that citizens benefit from their state. These benefits are not arbitrary, or merely thrust upon individuals but are a product of a particular practice of which citizens are a part; a product which plays a motivating role in continuing the practice in its existing form. Citizens are often not merely involuntarily beneficiaries of state action but ‘welcoming beneficiaries’; that is, while they have little choice in receiving the benefits of their state’s acts, they often knowingly and willingly accept them.²⁴ The fact of benefit alone does not create moral responsibility since moral responsibility requires agency in the harm or wrong committed.²⁵ Nor is benefit a necessary condition to be held responsible: a harmful demand could be based on misinformation about what benefit might accrue or based on prejudice rather than in pursuit of a benefit. We might think some views on immigration are like this: citizens make demands for exceptionally stringent immigration control on the grounds that the economy, and so they, will benefit with fewer immigrants. This is not actually, in most cases, correct, yet if the immigration policy that was implemented were unjust, citizens would remain implicated despite failing to receive the desired benefit.²⁶ The fact of benefit adds weight to the claim that citizens influence the state. It highlights that it is not (always) benign, unwitting, or inevitable influence. Citizens have a vested interest in their state’s actions in the international sphere, which gives us good reason to pay careful attention to ways this influence allows or encourages injustice. Lastly, I argued that citizens of liberal western democracies are in a unique position of accountability. Given this privileged position, we have greater reason to

²⁴ Avia Pasternak, “Voluntary Benefits from Wrongdoing,” *Journal of Applied Philosophy* 31, no. 4 (2014): 387.

²⁵ While benefit cannot alone ground moral responsibility, it can ground remedial responsibility (see s.5.4.3). For a more comprehensive discussion on this questions, see Daniel Butt, “On Benefiting from Injustice,” *Canadian Journal of Philosophy* 37, no. 1 (2007): 129–52.

²⁶ Consider, for example, the recent University College London based research that found that immigrants (particularly from within the EU) made a positive net contribution to the UK’s economy. Christian Dustmann and Tommaso Frattini, “The Fiscal Effects of Immigration to the UK,” *The Economic Journal* 124, no. 580 (2014): 593–643.

hold them responsible. In our discussions of moral duties, this kind of situational claim is not unusual: we think that the person who is walking on the beach when a child is drowning has a duty to rescue the child that arises because of her proximity, and we think this duty will continue to arise even if she happens to be in a similar situation a number of times, and even if her friend has never had to bear such a burden. In fact, this person, after repeatedly having to save the drowning child, should be able to reasonably foresee the dangers and so we might expect her to be *more* prepared and willing to help, and further we might expect her to not only ensure that she rescue the child but put measures in place to reduce the risk of the child getting into this situation. While this scenario may not distribute responsibility as equally as we might prefer, the importance of the duty to preserve a life where possible outweighs these costs.

At this point we might wonder how this view differs from Pogge's famous contention that citizens of developed states are 'guilty of the largest crime against humanity ever committed, the death toll of which exceeds, every week, that of the recent tsunami and, every three years, that of World War II, the concentration camps and gulags included.'²⁷ Or indeed, Iris Marion Young's claim that it is individual citizens' often harmless actions that together combine to create and support the social structures that perpetuate global injustice, and as such citizens should be held responsible.²⁸ The view presented here shares Young's emphasis on citizens' influence in the perpetrating of injustices through informal channels such as their consumer choices. Her argument is chiefly however about how citizens' actions, independent of their state, influence global structures. Young acknowledges that there is a space for pressuring state and international institutions to act

²⁷ Thomas Pogge, "Severe Poverty as a Human Rights Violation," in *Freedom from Poverty as a Human Right*, ed. Thomas Pogge (Oxford: Oxford University Press, 2007), 53.

²⁸ Iris Marion Young, *Responsibility for Justice* (New York; Oxford: Oxford University Press, 2011), 96, 142.

to transform unjust structural processes.²⁹ She notes however that such institutions are often aligned to the powerful and fail to transform, and so turns her attention chiefly to individual action. My view differs from Young's then both in having a more narrow focus on our duties as citizens, not persons, and in prioritizing the reform of states' policies. At a theoretical level, there is good reason for this emphasis: our commitment to democracy suggests that states ought to be responsive to their citizens, and where they are not, citizens ought to work toward this kind of responsiveness. While it may be true that some states fail to reform because of their alignment with the powerful, this is a problem that this account seeks to address rather than concede. At a practical level, the recommendations are similar, at least insofar as both accounts suggest that citizens ought to be reflective about their consumer purchases and the ways in which their actions interact with others. Here, we have an additional reason for this: states are powerful agents in the creation and perpetuation of these unjust global structures and so we should do our share to influence them to create more, rather than less, just structures. There are other important ways in which the view presented here differs from Young's account of the 'social-connection model'. Most importantly, Young argues that citizens have a shared, forward-looking political responsibility rather than, as I suggest, forward-looking collective duties, and backward-looking collective moral responsibility. We will return to this disagreement in section 5.4.1.

Pogge, on the other hand, justifies his claim of citizen responsibility for global injustice on the grounds that 'these governments are elected by us, responsive to our interests and preferences, acting in our name and in ways that benefit us.'³⁰ Overall, it is clear that the

²⁹ Ibid., 152.

³⁰ Pogge, *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms*, 21.

views differ insofar as Part I has laid out a more extensive set of state duties than Pogge's principle of non-harm. The matter of citizen responsibility is less clear. It appears that the main *argument* he presents is a refutation of the claim that citizens of developed states deserve their wealth, rather than an argument to defend his claim that they are implicated in the acts of their government. According to Pogge, citizens in developed democracies deny that their wealth is harmfully acquired; they hold that they are morally entitled to their eighty-one per cent of the global product despite three times as many people being 'mired in severe poverty.'³¹ For Pogge, it is the magnitude of the wrongs that seem to do much of the work in grounding citizen responsibility. Citizens are responsible because their states have the potential to prevent these dire wrongs and are acting in ways that allow or encourage them. The arguments presented here, are not then in opposition to Pogge's work but build onto it, and importantly fill a theoretical gap. As we have seen throughout this thesis, grounding the moral responsibility of citizens is not straightforward. States are powerful actors that are capable of acting outside of their citizens' will or preferences and individual citizens alone are unable to influence state action. As a result, we need an account of how citizens are guilty of these grave injustices, and further, what the consequence of this moral responsibility is. This is the account set out here.

In summary, citizens influence state action against a background of three important facts: (i) they endorse a system of governance that holds the state as a representative of their will, which in turn, (ii) puts them in a unique position to hold the state accountable. Not only then do they have particular power to influence the state, but (iii) they also benefit from state actions and so have a vested interest in steering them in their favour. Recall that citizens are under a collective duty to hold their state accountable in two ways: to ensure it

³¹ Thomas Pogge, "World Poverty and Human Rights," *Ethics & International Affairs* 19, no. 1 (2012): 2.

pursues their interests justly, and to ensure it fulfils its duties as an equal agent in the global sphere. So, insofar as the state acts unjustly citizens are failing their duty to ensure that the state that acts in their name acts justly. Yet there are many ways in which the state can act unjustly that are not clearly in the power of citizens. The international sphere is complex and it is not always clear which decision will lead to the most justice or, will result in equality in negotiation. In many cases, therefore, there is no moral wrong but there is a harm that ought to be rectified or compensated. Here, citizens are not morally responsible but have a duty to bear the burdens of the practice of which they are a part and so may have to contribute to a scheme of reparations. Yet, in many of the cases I have described, we see citizens not only failing to prevent the state from acting unjustly, or being unable to influence or determine the correct course of action, but through their collective outcomes influencing the state to act unjustly and benefiting from this injustice. When we consider individual citizens, this claim seems implausible, but through a collective lens, it becomes apparent that citizens as a collective are influencing the state and so should be held collectively morally responsible.

5.3 Rogue Acts

Every citizen has examples of when their state acted against their express wishes and against their individual interests. It can be hard therefore to accept that citizens are somehow implicated in these actions. We should recall that the focus of this argument is on liberal western democracies, and so states that are not representative of their citizens at all or only minimally, are not our focus. Instead, we focus here on particular rogue acts: specific actions or areas of policy where a state appears to be acting independently of the collective of citizens it represents. Regardless of a states' democratic nature, there are times when individuals in powerful positions in the state will act to enhance their own

personal interests and not those of citizens. Alternatively, the interests of the state may grow to overshadow the interests of its members. Decisions may be made with the aim of creating the strongest economy or establishing dominance in scientific research, a quest that may begin with citizen interests but grow to be motivated by competition, prestige, or greed. In addition, there are multiple powerful lobbies seeking to influence state action: consider big business, religious organizations or trade unions.

There are two senses in which we could consider a state's act to be rogue. On the one hand, we may be considering acts that are illegitimate, that is, acts that are not within the realm of what states are authorized to do, and as such, citizens would not be held even outcome responsible for these acts. These acts cannot be reasonably interpreted as either the state fulfilling its function in protecting the basic needs and interests of citizens or as a fulfilment of the state's duties of justice in the global realm. Consider a government actor or department accepting a bribe from a large corporation to allow (or turn a blind eye toward) a certain unjust trade arrangement, or a state that disregards the result of a legally binding popular referendum.

On the other hand, the cases we are more concerned with here, are rogue in the second sense. In these cases, citizens may be outcome responsible by virtue of their participation in the practice of the state but are not morally responsible. This kind of rogue act is likely to have at least one or, most likely, a combination of the following features: (i) the act is not a reasonable interpretation of citizens' demands, (ii) citizens could not reasonably foresee that their state was going to act (or was currently acting) in this way, (iii) citizens did not have access to sufficient relevant (or reliable) information in order to be able to reasonably reflect upon their influence. Consider a case where a state's secret technology

development expands its surveillance capacity to allow for a new form of extensive and intrusive collection of personal data. Citizens make strong demands for national security, but if citizens are not aware that such surveillance is possible, citizens cannot be expected to be aware that their demands may result in this policy.

It would not be sufficient, however, to claim that an act was rogue simply because it was unpopular. States often have to make unpopular policy decisions. In cases where states ostensibly act against public opinion, we would need to assess whether it was a reasonable interpretation of the demands of citizens, and relatedly whether citizens could reasonably foresee that their demands could require this act. While public opinion may be against a certain decision, citizens may be pressuring the state toward this decision by strong demands for a particular outcome (see s.4.5.1). Consider, for example, strong demands to prevent terrorists entering liberal western democracies balanced against public opinion against intensive airport security measures.

The argument for collective moral responsibility rests on citizens' collective influence on state action. As such, where other special interest lobbies or other states decisively influence state action, citizens will not be collectively morally responsible. In reality, citizens are likely to share in responsibility with these other actors. It is likely, for example, that a state's refugee policy is shaped by a combination of its citizens' collective demands, international law, NGO lobbies, and agreements with neighbouring states. Citizens' responsibility, then, is a matter of degree, and extends only so far as states' actions can be seen to reflect the influence they exert.

We should however also note that citizens whose democratic state engages in rogue acts may not be expressly responsible for those unjust acts, but they are still responsible for having a state that they are not holding accountable. If this is done through wilful negligence or outright encouragement (a public discourse about how the state is the state and it should 'do what it needs to', for example) then that can ground collective moral responsibility even where the specific acts were clearly out of citizens' control. The responsibility is not for the acts it has done but for maintaining a state that one does not hold accountable. Citizens might fail to hold their state accountable for many morally neutral reasons, such as a failure to efficiently co-ordinate the collective action required or to identify the most just course of action in a complex issue. In these cases citizens as a collective may have to bear the burdens of their state's actions but would not be held morally culpable. They may, however, be held (at least partly) accountable for allowing their state to remain corrupt, or allowing particular lobbies to develop inordinate power, removing citizen ability to meaningfully shape state behaviour.

So, a state that engages in rogue acts does not shift responsibility onto its citizens for its acts of injustice, but citizens do not come away free of responsibility. When governments are failing to represent the views or interests of their electorate, citizens' commitment to democracy should motivate attempts to rectify this rather than to allow the responsibility gap to deepen. A principled belief in democracy (which many citizens of western liberal democracies claim to hold) is inconsistent with an acceptance or apathy in the face of a failing democracy. Indeed, allowing your state to remain 'rogue' is in a sense to legitimize injustice given our current statist global environment. In the current global system the state has privileged status as a recognized entity representing a collective of citizens. When it acts, it acts in light of this status and so allowing it do so without regulation is to recklessly

grant this privileged status that allows states to more freely perpetrate injustice. The duty therefore falls upon citizens to work toward a more responsive state, for their own good and for those whom their state affects. In this sense, the accountability argument plays a particularly important role; regardless of the actual ways in which they influence state actions, citizens are in a unique position to control a powerful actor and their capability grounds a responsibility to do so, given the injustice at stake.

In the introduction to the thesis I claimed that it was likely that only liberal western democracies would meet the conditions set out for citizen responsibility. As such, while I did not rule out the arguments being applied to non-western or illiberal states, the thesis focuses on liberal western democracies. It is worth pausing briefly to re-examine this claim. As we set out in section 4.2.3, the arguments rely on a robust sense of democratic representation in order to ground the collective duties of citizens. It is not sufficient to have only formal democratic mechanisms if they are not functioning in a way that is responsive to the citizens' will. Many states that are formally democratic may fall short of this kind of democratic representation because of corruption, incompetence, or weak institutions. In addition, the responsibility is grounded, in part, not just in being a democracy but buying into the concept of democracy, that is, of promoting it as a fundamental guiding principle of your and others' political life. Citizens of some new or semi-democratic states may not have this kind of commitment to democratic principles.

Democracies outside of the west are also likely to yield less power on the global stage. As such, they are less likely to contribute to injustice in the global realm, as they are more often 'rule-takers' in global institutions than rule-makers. In addition, participation in these global institutions and practices can, and does, often place serious limits on their own

foreign and domestic policies.³² If states are less able to act freely in the global realm, then the accountability claim begins to weaken. While citizens remain in a position to hold their state accountable, the numerous competing pressures on the state are likely to overshadow this democratic commitment to their citizens. When citizens are not in a position to hold their state accountable because of *external* pressure, we have fewer grounds to hold them responsible. We might think that all states (regardless of how powerful they are) are subject to external pressure from other states and powerful non-state actors. In part, this is an accurate description of the current global environment. As we set out in Part I, states are engaged in multiple overlapping practices that place restrictions on their behaviour. Yet, more powerful states have the ability to shape these practices that less powerful states lack. As the ‘rule-makers’, it is within the power of liberal western states to work toward a global environment with less opportunity for (unjust) external pressure. Insofar as they do experience external pressure, these provide considerations (in balance with other factors) in how to act rather than being decisive considerations as in the case in many developing states. Consider, for example, many young democracies undergoing IMF structural adjustment programmes during the 1980s or, indeed, most recently, the external pressures Greece has faced within the EU.

5.4 What does this Mean for the Collective?

I have emphasized that citizens’ moral responsibility belongs to the collective and not the individual. But what then does that really do? What is the value in deeming a collective to be morally responsible? In Chapter 4 I argued that collectives can be held morally responsible. Here we address what it means for the collective to be held responsible in this way. I will consider the consequences of moral responsibility under three broad categories:

³² Laborde and Ronzoni, “What Is a Free State? Republican Internationalism and Globalisation.”

section 5.4.1 moral standing; section 5.4.2 how we might treat the morally culpable; and section 5.4.3 what the morally culpable might be under a duty to do in light of their responsibility.

5.4.1 Moral Standing

One consequence of collective moral responsibility is that the moral standing of the collective will be appraised: that is, the collective will either be deemed praise- or blameworthy. Given the context of the discussion at hand, I will refer chiefly to the possibility of blame. The assigning of collective moral responsibility enables us to more accurately describe where responsibility lies in the world. This is valuable in a context of large collectives where individuals have minimal personal impact yet together inflict significant injustice. This appraisal might be made from a third party perspective (perhaps by a political theorist, an international NGO, or organization such as the UN), or the victims of the injustice, or indeed, perhaps most helpfully, by the collective themselves. This collective blame is also valuable as it assigns agency to acts of injustice. It is important for victims of injustice to be able to identify responsible parties rather than to be sent the message that there is no one responsible, that their plight is inevitable. One might think that there is no reason why identifying the blameworthy party is valuable outside of the value of exacting redress. Yet, we should not underestimate the psychological value of being able to appropriately channel our emotions. Most importantly in order to prevent self-blame often experienced by victims of injustice. While there will be complicated and overlapping agents responsible for most injustices, identifying these channels of responsibility begins to clear a path for recognition of human agency in much of the injustice experienced globally.

We might, however, have some worries about the idea of collective *blame*. Firstly, it could be argued that collective blame is just not a meaningful concept, especially when we consider its related emotional response of guilt. Secondly, we might feel wary that blame will trickle down onto individuals who didn't have real agency in determining the action, and thirdly, collective blame can descend into blame-slinging which is counter-productive in the pursuit of justice. I will consider each of these concerns in turn.

i. *The Concept of Collective Blame*

Some acts are by their nature collective but also seem to warrant praise or blame: consider fundraising for HIV/AIDS research or genocide perpetrated against a minority ethnic group.³³ If one gives money to HIV/AIDS research by oneself, this is a donation and not fundraising. If one murders based on ideals of ethnic cleansing, this is murder but not genocide. There is however something distinct about these actions when they are a part of a collective action. The aims are shared and the acts are performed in light of these overlapping intentions. They are not necessarily more or less praise- or blame-worthy, but the distinguishing fact should be taken into the moral calculus if we wish to allocate responsibility accurately: these acts were a part of some larger, morally praise- or blame-worthy act. My £5 donation to charity is not necessarily more valuable or praiseworthy as a part of a collective fundraising effort. Yet there is a difference between the two acts, and that difference lies in the collective nature of the action. When we fail to consider the collective aspect of the act we do not evaluate the situation fully as we miss the morality of the larger act of which these acts were a part. In the case of fundraising perhaps there is little difference between our assessment of the individual and collective acts. In other cases we have discussed (s.4.4.2), the collective act is morally salient in a way that the individual

³³ Tracy Isaacs, "Collective Moral Responsibility and Collective Intention," *Midwest Studies in Philosophy* 30, no. 1 (2006): 64.

act is not. As a stand-alone act, a racial slur is reprehensible, but a racial slur as a part of a co-ordinated campaign to encourage genocide is worthy of further condemnation. It is not just that the consequences are worse, but that the act was performed in light of a different, collective aim, or, as I have argued in section 4.4, it was performed with the knowledge that it will interact with others' actions to create a different, collective outcome. I have argued that citizens together create collective outcomes. Often we are unable to assign blame to particular individuals as the act is inherently collective. But we fail to fully assess the moral landscape when we do not appraise these regular and expected collective outcomes.

If collectives can be blamed, does this mean we should describe them as guilty? In our everyday language we often associate the idea of guilt with moral responsibility and blame. This concept of guilt can be used to describe being perceived as guilty, being guilty, or feeling guilty. That is, the word guilt is used synonymously with moral responsibility insofar as it can describe an objective fact of being morally culpable. But it is also often used to describe a feeling. One can feel guilty even when one is not actually guilty and conversely many people are objectively guilty but do not experience feelings of guilt. These usages blur our intuitions about collective guilt. We are, rightly I suggest, wary of assigning feelings to collectives because they are just not the kind of agents that can have feelings. They can however, or so I have argued, be the kind of agents that are morally responsible for their acts. In this sense, to be blameworthy or guilty is one and the same, and describes a moral status in regards to a particular act or event. It is a judgment, either by others or oneself, on one's involvement in an outcome. The collective itself cannot however feel guilty in the sense we often ascribe to wrongdoers. Individuals who

are a part of a blameworthy collective perhaps might appropriately feel guilty, but we will turn to that issue in section 6.1.1.

ii. Implicating Individuals

We should not be concerned that citizens will be blameworthy for acts that they had little or no real control over because this moral responsibility belongs to the collective, and not to individual citizens. Individuals are a part of a collective that is morally responsible but are not individually morally responsible for the acts of their state. When we assess the moral standing of an individual, the fact of their membership in a morally responsible collective will be taken into account. To be sure, for individuals, this collective responsibility will not carry the same weight as individual moral responsibility, but it will contribute to our understanding of an individual's moral standing. The implications of being an individual who is collectively to blame will be discussed in Chapter 6. Most significantly, individuals will have an individual duty to contribute to their collective duties and failure to fulfil these individual duties may result in individual moral responsibility. We should not however be concerned that individuals will be held personally morally accountable for the acts of their collective; both the duty and the responsibility belong to the collective.

iii. Blame-slinging

Young objects to moral responsibility on the grounds that the language of blame can be both 'inappropriate and unproductive' and is often animated by resentment.³⁴ She argues that when one starts to assign blame it tends to oversimplify the issue, casting blame on the

³⁴ Young, *Responsibility for Justice*, 116.

more powerful wrongdoers and allowing many who contribute to elude any responsibility.³⁵ In addition, where blame is ascribed it usually results in defensiveness and an unproductive process of attempting to shift blame onto others. Instead, Young argues in favour of political responsibility grounded in individual contribution to the structural social processes that produce injustice. This responsibility is forward-looking and a failure to fulfil it does not result in blame. She argues: ‘we who share responsibility ought to take action, but it is up to us to decide what is reasonable for us to do, given our abilities and our particular circumstances. I have argued above that 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 to rectify injustice, even if we do not succeed.’³⁶ Young argues that ‘we can and should be *criticized* for not taking action, not taking enough action, taking ineffective action, or taking action that is counterproductive.’³⁷ And in fact, we have a ‘right and obligation to criticize the others with whom we share responsibility.’³⁸ Instead of blaming the powerful who perpetuate unjust structures, we should hold them publicly to account. In this way, Young argues they can sometimes ‘be pressured and shamed to do something different or step out of the way.’³⁹

Blame can provoke the sorts of responses that worry Young but it is not clear that they will necessarily follow, nor indeed, how criticizing and shaming won’t encounter similar worries. In the case discussed here, there are some factors that mitigate Young’s kind of concerns. Firstly, blame belongs to the collective of citizens and so is less likely to produce the resentment and defensiveness that normally results from a situation where one feels

³⁵ Ibid.

³⁶ Ibid., 144.

³⁷ Ibid., 145.

³⁸ Ibid.

³⁹ Ibid., 150.

singled out for blame. Similarly, the collective nature of the blame makes it is less likely to become a web of blame-slinging. To be sure, there may be cases where the collectives of different states will contest where blame lies for a particular injustice. Yet, this is not necessarily a negative: in the face of severe global injustice, confronting and reflecting upon blame may prove a healthy incentive to act. Perhaps ‘blame-slinging’ is a necessary step in the process of beginning to accept responsibility for injustice. Facing moral criticism and blame is often the cost involved in beginning the process of change in the direction of justice. We should not, therefore, shy away from the sometimes unsettling and uncomfortable feelings they may evoke. Some respond to blame defensively, or attempt to elude it by casting it onto others, but this is not the appropriate response to well-founded blame. While we may then have strategic reasons to consider when and how we cast blame on others, this should not affect our discussion of whether they *are* to blame. Young writes of blame as if it is merely a tool used to express resentment. While it can take on this expressive form, blame is importantly a part of what it means to be morally responsible. We have good reason, then, to heed Young’s warnings when we decide how to speak of, and treat, those who are to blame, but not when we decide who is to blame.

5.4.2 Collective Punishment and Attitudes of Distrust

A second set of possible consequences of moral responsibility is grounded in how others could permissibly treat the responsible collective. Moral responsibility can evoke a multitude of responses. Here we will consider responses, namely punishment and attitudes of mistrust, which are permissible in the individual context and consider them in the case of collective moral responsibility.

i. *Collective Punishment*

The most controversial claim is that we might punish a collective. Stilz argues that moral responsibility for citizens opens the door to the possibility of legitimizing terrorist claims that ‘ordinary citizens of a democracy are appropriate targets of punishment or reprisals.’⁴⁰ There are at least three ways in which we might refute this claim. Firstly, one can be blamed for something without being punished for it. Acknowledging that a person is morally responsible does not bind you to the view that they ought to be punished. We can consistently hold that citizens of the US are morally responsible for their government’s policy in the Middle East and condemn the 9/11 attacks. Secondly, even if one did believe, for example, that the citizens of the US did deserve punishment, the 9/11 attacks (and similar) could be condemned based on a view that punishment should not be disproportionate, or beyond a certain level of harm. Lastly, we could believe punishment is deserved but should not be exacted on the grounds that it is more important to forgive someone or for other instrumental reasons. You might think, for example, punishment would create resentment that would undermine the overall aim of improving relations between two collectives. There are therefore three considerations when an agent is held morally responsible: whether punishment is deserved; how harsh this punishment should be, and whether one ought to exact it. These considerations count against the legitimization of terrorist acts against civilians on the grounds of citizens’ moral responsibility.

But we might still worry that it opens the door to that kind of thinking. And indeed, we might be concerned about the permission of even very modest forms of collective punishment. Punishment is an addition to other rectificatory duties the perpetrator might have since it seeks to reform or express blame on the perpetrating collective rather than

⁴⁰ Stilz, “Collective Responsibility and the State,” 205.

rehabilitate or compensate the victim. Some forms of political sanctions, for example, already appear to be a kind of punishment on collectives (even though this is not always their intention). Consider travel bans on citizens or exclusion from international sporting competitions. Would collective moral responsibility legitimize this kind of social sanction on a collective? Our discussion of agency in section 4.5.2 has already taken us some way to answering this question. The collective agency of citizens is not agency to the same degree as the agency of an individual adult or a corporate agent and so we should hold citizens as a collective responsible *up to a point*. We may find that this point always lies before collective punishment. We cannot, however, exclude the possibility of collective punishment in cases where it is clear that citizens have acted as a collective to bring about a particularly harmful outcome, and that punishment is likely to decrease the chance of repetition of such an act. Consider citizens who together legitimize a policy (through a referendum, for example) that discriminates against people of colour. Perhaps it authorizes private companies to refuse people of colour service. If we had reason to believe that punishment was likely to encourage a change to this policy or prevent further such policies, it may be appropriate to punish the collective. The appropriate form of punishment would depend on the citizenry in question but could include sporting or cultural boycotts or travel restrictions. Such cases of collective punishment would be a rare exception rather than the norm, and would always be limited given the collective nature of the agent. The costs of punishment on the collective will often have to be borne by individual citizens, and as such, the impact on individual citizens would serve as a limit to the kinds of appropriate collective punishment (see 6.1.2).⁴¹

⁴¹ For a detailed discussion on this, see Avia Pasternak, "The Distributive Effect of Collective Punishment," in *Accountability for Collective Wrongdoing*, ed. Tracey Isaacs and Richard Vernon (Cambridge: Cambridge University Press, 2011), 210–30.

ii. *Being Treated as Less Trustworthy*

When citizens as a collective are held collectively responsible for injustice, other citizens may respond by treating the state of that collective less favourably. It might be considered untrustworthy in negotiation or even the less favourable choice of trading partner when all else is equal. We might be worried that this has similar tendencies to blame-slinging and could result in widespread and unfounded mistreatment between states. Yet, if a state is constantly not respecting the requirements of justice in its trade negotiations, then it seems justified that it is held to be a less favourable trade partner. It is not then justified, however, to treat them as less favourable sporting competitors or collaborators in climate change negotiations. We might have good reason to learn from experience in certain kinds of interactions, but we do not have grounds to universalize this experience to ground a universal mistrust of a state. That being said, just like in the interpersonal case, agents ought to be given the chance to redeem their reputations even in the specific area of their injustice; one unjust act does not warrant perpetual mistrust.

5.4.3 *Apology and Remedial Duties*

Thus far we have considered a collective's moral standing and how we might treat them in light of their responsibility. Finally, we should examine what we could require of responsible collectives and what collective duties this responsibility could ground. I argue here that this responsibility can ground a duty to apologize and other remedial duties. Let us discuss these in more detail.

i. *The Demand for Apology*

A morally responsible collective could legitimately be called upon to offer an apology for their action. This apology could be offered through formal channels, such as a member of government speaking on behalf of the polity. Failing this governmental support, citizens could also collectively apologize through a collective attitude of remorse and apology: perhaps reflecting upon and offering apology through the media or collecting signatories to a petition citing their apology. An apology acknowledges the experience of those who have suffered injustice. While it does not rectify injustice, there is value for victims of injustice in having their plight recognized for the injustice it is. Apology serves as a form of social recognition, that is, it acknowledges that those who have been harmed are social equals and should have been treated as such. The failure to do so warrants an apology. Political apology is not always viewed as effective and can be viewed as a political strategy to avoid the more pressing task of rectifying the injustice. I maintain however that offered in tandem with rectification or compensation, apology has an important role to play in maintaining social relations and ensuring that compensation is viewed as a rectification for injustice, not as a political strategy to silence complaints or a hand out to a struggling state.⁴²

ii. *The Demand for Rectification or Compensation*

Lastly, and perhaps most significantly, collective moral responsibility can ground a remedial duty to rectify the injustice. There are two different circumstances of remedial responsibility: in some cases, the rectification of injustice is what is due and is symbolically important but not necessarily urgent or able to make a significant difference

⁴² For more discussions on political apology, see Mark Gibney et al, eds. *The Age of Apology: Facing Up to the Past* (Philadelphia, University of Pennsylvania Press, 2008).

to the well-being of the wronged party. The return of artefacts to their country of origin might be like this. The object should be returned as a matter of justice but it is not needed urgently in order to prevent further injustice. While the continued absence of a historically significant artefact is a continued injustice, it does not continue to allow further injustice to occur in the way the continued imposition of an unjust policy might, for example. In other cases, injustice is either so severe or acted in tandem with already unjust situations such that the remedial responsibility is chiefly to 'put the situation right', to remove injustice from the current situation. This kind of injustice can exist without a morally responsible agent: consider a situation where a community has no access to even the most basic human necessities as a result of a natural disaster. In the first case, moral responsibility can do all the work in grounding responsibility (as could outcome responsibility in some cases). In the second case, as Miller argues, the urgency of the claim makes it more important to fulfil the claim than to ensure the most deserving agent fulfils it. And furthermore, in some cases there will not be such an agent. For Miller, even where there is clearly a morally responsible party, other factors such as outcome responsibility, capacity, community and benefit can play a role in determining the responsible party.⁴³ I agree with Miller that capacity, community and benefit can play a role in grounding a remedial responsibility. Yet we should only turn to these options if it is clear that there is no morally responsible party or the morally responsible party is not able or willing to perform the task in the required time. The connection model underplays the value of, where possible, ascribing responsibility to those who are (most) responsible for injustice.⁴⁴ It does, however, provide a good model for picking up the slack in cases where there is a morally responsible party who does not fulfil its remedial duties. It also offers us an account of how to deal with

⁴³ Miller, *National Responsibility and Global Justice*, 100–104.

⁴⁴ While Miller does acknowledge the weight of moral responsibility in some cases, where all six factors are in play, he argues that we will 'have to rely on our intuitions about the relative importance of different sources of connection.' Ibid., 105–107.

historical injustice; on the view presented in this thesis, current citizens will not be *morally* responsible for injustices their state committed in previous generations, but only the ways in which they allow or encourage the perpetuation of these injustices. Citizens can be held liable for the burdens of their state, however, and so can be called upon to contribute to remedial duties that their state owes, grounded in its relationship to the injustices: this may be a causal link, a case of outcome responsibility, its benefit from the injustice, its capacity, or community ties.⁴⁵

This collective moral responsibility will ground some remedial duties of both varieties. Where a state has acquired land, resources or goods without informed consent, a duty to return or compensate will fall on citizens as a collective. In addition, involvement in unjust negotiations or trade may require collectives to act to rectify this harm: perhaps to agree to special advantages in negotiation or special dispensations in certain areas of regulations. These remedial duties are in addition to the baseline collective duty to hold their state accountable. This moral responsibility not only grounds specific remedial duties but also helps to specify this accountability duty, to highlight where state action is in need of being held accountable or where an area of priority should be.

At this point, we might be tempted to ask why in fact we need this *moral* responsibility. Indeed, I have conceded that there can be other grounds for these remedial duties, and others have made convincing cases for the remedial responsibilities of citizens.⁴⁶ If what we are interested in is remedying injustice, do we need this extra case for moral responsibility? This moral responsibility serves an important purpose in grounding

⁴⁵ For a comprehensive discussion on rectifying historical injustice, see Butt, *Rectifying International Injustice: Principles of Compensation and Restitution between Nations*.

⁴⁶ See, for example, Miller, *National Responsibility and Global Justice*; Stilz, "Collective Responsibility and the State."

remedial responsibility but that is not its sole purpose. In fact, the ascription of moral responsibility is not a purely instrumental pursuit. One way it adds to remedial responsibility is that it motivates citizens to not participate in the injustice in the first place. But it also, importantly, is the more accurate description of where moral culpability lies. We are concerned then not only with the admittedly pressing task of remedying injustice but also with the broader project of assigning responsibility where it is due, and limiting the perpetration of injustice in the first place.

5.5 Conclusion

In this chapter I have sought to expand our ideas of citizen responsibility through considering citizens as a collective. As a collective, citizens in liberal western democracies buy into the concept of democracy, they influence the state, benefit from its actions, and are in a unique position to hold it accountable. I have argued that these four features of citizens of liberal western democracies ground a collective moral responsibility. This collective responsibility has a number of implications for the collective: the collective will be morally appraised and so its moral standing will be affected. It will be morally blameworthy, but could not be expected to feel guilt or shame given the collective nature of its agency. We might treat the collective with distrust, or even in clear and extreme situations punish it. Most commonly however, the collective can be called upon to apologize and rectify the injustice in which they have participated. It is difficult to imagine however, how the citizens as a collective might fulfil these collective duties without individual citizens participating. Thus far, I have avoided this discussion, arguing that it is important to assess the collective's role in injustice and its rectification. In the next chapter we turn now to consider the implications of this responsibility on individual citizens.

CHAPTER 6. Specifying the Duties: The Individual Citizen

Citizens as a collective can be held morally responsible for the acts of their state. Where the state acts unjustly, the collective is therefore blameworthy and can be treated with mistrust, required to apologize, to rectify the injustice and even bear (proportional) punishment. It is inevitable, however, that individual citizens will at times have to bear the brunt of these responses. While the collective is the responsible agent, citizens are the enacting agents of the collective and so will be called upon to carry out resultant duties. In this final chapter of Part II, I will tackle this issue of how individual citizens are implicated in collective responsibility. How does it affect their moral standing? And can we justify the fact that individual citizens will have to contribute toward the collective duties of repair? In parallel to our discussion in Chapter 5, I will consider three categories of implications for moral responsibility, or here, for being a part of a collective that is morally responsible: citizens' moral standing, how we might treat individual citizens who are a part of the responsible collective, and what duties they might have in light of this responsibility. Section 6.2 will further elaborate on the key issue of citizens' individual duty to do their share of the collective duty. Section 6.2.1 will present a case for differentiated contributions, 6.2.2 will address the complications of non-compliance and picking up the slack and 6.2.3 will consider the implications of doing or failing to do 'your bit' of the collective duty. Section 6.3 will address the objections that this view may face. These are considered under three broad questions: Is it too demanding?; Is it fair? And, is it undemocratic? Finally in section 6.4, I will conclude.

6.1 The Impact on the Individual

6.1.1 Moral Standing

What does it mean for an individual to be a member of a morally responsible collective? As I have emphasized throughout Part II, it does not mean that the individual is personally morally responsible. Yet, a citizen's moral standing will reflect that they are a member of a morally responsible collective. I have argued that we are missing important moral descriptions of the world when we do not take collective acts into account. Similarly, when we fail to account for the ways individuals participate in group harms (even in cases where they do not make a meaningful difference to the harm) we fail to assess their moral standing accurately. To be sure, we do not want to ascribe the same level of praise or blame to an individual who participates in the creation of an unjust collective outcome as we do to the individual who himself has individually brought an injustice about. Our moral assessment should reflect the different level of agency and intention behind the acts but we should not allow this difference to preclude any moral ascriptions at all. This impact on individual moral standing will be true for all citizens regardless of their particular behaviour within the collective. In some extreme cases, where citizens have actively removed themselves from a position of influence, they do not receive benefits of the state, and do not endorse the democratic state, they may not be included in the responsible collective. Other forms of political protest, such as boycotting, protesting or writing to your MP, may influence the impact that the collective responsibility has on you as an individual (as discussed below) but it will not change the fact of your membership in a morally responsible collective. As such, your moral standing will reflect this fact regardless of your personal role in the injustice.

I argued in section 5.4.1 that a collective cannot experience feelings of guilt or shame as collectives are not the kind of agents that experience emotions. Here, we consider whether members of that collective then rightly experience this guilt or shame. Before moving to consider that question, there is a helpful distinction to be made between feelings of shame and guilt. To feel guilt is to feel regret or self-condemnation about something that you have done. To experience shame is to feel badly about who you are. A guilty person wishes that they had acted differently whereas an ashamed person wishes they were a different kind of person.¹ An individual citizen might feel guilty about their collective's act, wishing that their collective had behaved differently. Alternatively, someone might feel ashamed of their collective because of how it acted, feeling that it reflects poorly on the kind of collective it is.² Throughout this section I will consider the possibility of both shame and guilt on the premise that these feelings might instantiate differently depending on the context of both the injustice and perpetrating state. Although distinct responses, I do not think that there is one or the other that is always going to be a more appropriate response to the kinds of injustices for which citizens are responsible.

Citizens may have feelings of guilt or shame for the acts of their collective. This is not personal guilt but participation in shared guilt for what the collective has done. It is guilt or shame experienced personally, but only in virtue of one's membership of the responsible collective.³ This individual feeling of collective guilt is a sense of condemnation for what 'we have done' rather than 'what I have done.' It is possible therefore to experience this emotion even if you made no essential contribution to creating the injustice. Its shared

¹ Brian Lickel et al., "Vicarious Shame and Guilt," *Group Processes & Intergroup Relations* 8, no. 2 (2005): 145.

² For a more in depth discussion of this distinction and the possible implications for our responses, see Lickel et al., "Vicarious Shame and Guilt."

³ For a related account of membership guilt, see Margaret Gilbert, "Group Wrongs and Guilt Feelings," *The Journal of Ethics* 1, no. 1 (1997): 65–84.

nature also diminishes the weight of the emotion: while it may appropriately motivate a decision to act, or cause a sense of regret over a particular act, it does not appropriately evoke feelings of overall self-condemnation or shame. This *feeling* of guilt, while shared, will not be equally felt: those who have actively attempted to prevent the action might appropriately feel little or no guilt, in contrast to the person who did nothing to stop the act (and had the means to do this) or the person who actively encouraged it. Given that guilt implies a wish to have acted differently, those who opposed an action may not feel guilty but may have lingering feelings of shame that their collective had allowed such an injustice to occur. Similarly, those who do not have the ability to contribute to the collective duty will not appropriately feel guilty but may feel shame that they belong to a collective that acts in this way.⁴ Guilt, as a feeling, is not a finite thing to be divided up; we do not have a finite amount of guilt that we have to apportion between the members of the collective. The appropriate feelings of guilt or shame are a feature of each citizen's particular relationship to the state. I have argued that short of completely disowning the state, citizens' moral standing will reflect their membership in a responsible collective. At the level of appropriate emotional response, however, the scope for nuance is much larger. While we cannot dictate individuals' emotional responses, we can reflect on what the appropriate response ought to be. For some, it seems appropriate to feel little guilt or shame, if any at all. For others, their involvement in influencing the state and receiving benefits may make it appropriate to expect them to experience guilt for their role in the collective's injustice. There are many of us who fall in the middle of this spectrum: who have in some way influenced and benefited from the state's injustice but not with specific intention or to a significant degree. The arguments for collective moral responsibility

⁴ As we will discuss in s.6.2, those who do not have the required capacity to contribute to the collective duty will not be under an obligation to do so.

suggest that even those who fall into this middle ground should experience some feelings of shared guilt or shame for the injustice that their state has committed.

6.1.2 Punishment and Attitudes of Mistrust

It seems clear that it is unwarranted to treat an individual citizen as untrustworthy merely as a result of the acts of their collective. We might feel differently if there were just three members of a collective but with a large scale collective the final outcome is a product of interactions of large numbers of individuals so cannot be indicative of an individual's character. The more troubling question here is whether individuals can be punished in light of the collective's responsibility. Since the collective can be punished (s.5.4.2), it can appear as if it will automatically result in individuals being punished. We may be concerned then, that individual citizens who could not have changed or prevented the unjust outcome alone, will be punished for it. In contrast, we may be concerned that citizens are able to avoid punishment despite being responsible for their collective's acts.

It is helpful here to recall that the collective outcomes we are discussing are those whereby individual acts are either innocent or less blameworthy than the resultant collective act (s.4.4.2). In some cases of collective action, we will want to hold individuals morally responsible and punish them. Consider the member of a firing squad. He might be equally blameworthy for a situation where he knowingly shot one individual prisoner as when he participated with his five fellow members in the group act of killing six prisoners (perhaps they all randomly shot many bullets making it unclear who specifically killed each prisoner). In this case, we do not want the collective nature of the harm to excuse the member of the firing squad. Here, however, we are concerned with the punishment of

citizens who could not individually make a meaningful contribution to the unjust outcome, but, who collectively have brought the unjust collective outcome about. As such, I have argued that while citizens as a collective are morally responsible, individual citizens should not be held individually morally responsible. Similarly, they should not be individually punished for the collective's acts.

To be sure, collective punishment will result in individuals *bearing the costs* of this punishment but not the punishment itself. Individuals, as we have discussed throughout, will have to bear the burdens of being a part of this practice that has behaved unjustly. This is not the same, however, as being punished. Punishment is a 'device for the expression of attitudes of resentment and indignation, and of judgments of disapproval and reprobation.'⁵ The expressive act of punishment will remain at the collective level, even where individuals may have to bear the actual costs of the punishment. This distinction is illustrated in the more familiar case of a partner or family of a prisoner bearing the costs of a member of their family being imprisoned. They are not punished themselves, nor is the cost they bear intentionally imposed as a cost to them, but they do nevertheless bear a cost of the punishment imposed on their family member. While the fairness of this cost is often questioned, and can be taken into account in sentencing, it would be wrong to describe it as *punishment*.

Individual citizens are not in the same position as the convict's family members: they have participated in the collective injustice in a way (many) convicts' families have not. For this reason, they are liable to possible feelings of guilt or shame, demands for apology, and remedial duties. Their lack of individual agency in the action, however, precludes personal

⁵ Joel Feinberg, "The Expressive Function of Punishment," *Monist* 49, no. 3 (1965): 400.

punishment. In addition, we should recall that just as we may mitigate punishment for a convict in light of the costs it imposes on their family, collective punishment will be limited in light of the individual burdens it can impose, over and beyond the remedial burdens citizens bear (s.5.4.2).⁶

6.1.3 Apology and Remedial Duties

I argued in section 5.4.3 that victims of injustice could demand an apology from the responsible collective. Could they demand apology from individuals within the collective? If individuals from the two groups – the victims of injustice and the perpetrators – met at a conference and started discussing the issue, would a victim be entitled to demand an apology from a perpetrator? In cases of severe injustice, it could be justified to demand an apology from those who were a part of the collective, and so a part of the group that influenced and benefited from injustice. Like our feelings of membership guilt, whether we ought to personally apologize will depend on how we responded to the act in hand. Those who were more actively aware and involved or who benefited more, might have more reason to apologize personally than others. At minimum individuals ought to express support for the collective apology even where they are not personally required to apologize. This might mean that in conversation one refers to ‘our apology’ or expresses approval of the apology that was expressed through formal channels.

Lastly, I have suggested that the moral responsibility of collectives may play a role in grounding collective duties to rectify the injustice. Here we get to the heart of the way collective moral responsibility impacts on individual citizens. As an individual who is a

⁶ Pasternak, “The Collective Responsibility of Democratic Publics,” 103.

member of this responsible collective, I acquire an individual duty to contribute to the fulfilment of the collective's responsibility and so may be called upon to contribute to the collective duties to rectify the injustice. In the following section I will set out an account of how this individual contribution works.

6.2 Determining your Bit

At the collective level assigning moral responsibility expresses blame for citizens' role in their state's injustice, and grounds duties to rectify this injustice. The individual duty arises out of the fact that the collective now has responsibilities they need to fulfil; acts that need doing, and that require action from individual citizens who constitute the collective. Similarly, citizens as a collective have a collective duty to hold their state accountable, both in pursuing their own interests within the limits of justice and in fulfilling the duties of justice their state has as an equal agent in the global sphere. This collective duty of accountability will require that individual citizens act in order to contribute to fulfilling this collective duty. Here, I will discuss remedial duties and accountability duties together as the collective responsibilities and duties of citizens. Both, here, are forward-looking collective duties that fall to individual citizens to fulfil. Remedial duties will often take the form of reparations and so may require distinct treatment to accountability duties that are less clearly identifiable or enforceable. When this is the case I will deal with each in turn.

In order to understand how collective responsibility can ground an individual duty let us consider the 'Desert March Example'.⁷ There are two groups traveling across a desert, the Red group (ten thousand people) and the Blue group (one hundred people). The Blue

⁷ This example was first introduced by Johnathan Glover and later used by Parfit and Kutz. I discuss here, Kutz's analysis of the example. Kutz, "The Collective Work of Citizenship."

group is robbed of all of their water and requests that the Red group provide water to sustain them for the rest of the journey. The Reds have a spare empty water tank and each member of the group is asked to contribute a small amount (less than a third of an ounce) to the tank. This small amount will not make a difference to their own survival, but together with the other ten thousand in their group, will provide enough water for the hundred members of the Blues to survive.⁸ Even though each Red's contribution will not alone have the desired effect of saving the lives of the Blue group members (or even one of their lives), and an individual's refusal to contribute would not undermine the cause, we still hold the members of the Red group to be under an individual duty to contribute in order to fulfil the collective duty of saving the lives of the Blue group. No individual Red has a duty to rescue the Blue group (as they are unable to do so given the amount of water they can sacrifice) but they are under a duty to *contribute to the fulfilment of the collective duty* to save the members of the Blue group. We would hold an individual to be morally culpable if they did not contribute to the collective project of gathering enough water to save members of the Blue group. Similarly, citizens are not individually responsible for the state's acts yet as a member of the collective they have an individual duty to contribute to the collective project of holding the state accountable. Kutz describes a collective duty as 'a shared claim on the agency of each [citizen] whose satisfaction depends upon [their] collaboration.'⁹ The claim is on the agency of the individual as the agent that has to act, but only insofar as it is a part of the collective agent and only insofar as the collective agent is acting.¹⁰

⁸ Ibid., 474.

⁹ Ibid., 488.

¹⁰ This example illustrates how we might think of individual's role in a collective duty. It does not, however, answer all questions we might have here. In particular, we do not discuss here how each Red should act in relations to their fellow Reds: what if none or only very few of the Reds contribute, does each still have the individual duty to contribute? We will return to this issue in s.6.2.2.

6.2.1 *Differentiated Individual Duties*

Despite formal equality among citizens, many citizens are more able to influence government policy than others. Those who are wealthier often have more time available to attend elections and local forums or to write to their representatives or the media. A higher level of education, wealth, or status can also influence the extent to which an individual's opinions are taken seriously by government officials. In many contemporary democracies, a CEO of a profitable corporation, the leader of a well-attended religious organization, or a member of a historically influential family are often able to, and do, play a much larger role in shaping government policy than the average citizen. We might worry then that in this view each citizen is expected to contribute to the fulfilment of collective duties yet some are clearly more able to do so than others, and, in the case of remedial duties, some have clearly influenced and benefited more from the injustice than others. I have argued that all citizens are a part of a collective that has collective duties to hold the state accountable and that can be held morally responsible for the state's unjust acts. In this way, citizens are all *equally* a part of the collective. As an individual, each citizen is only individually morally responsible if they fail to do their bit toward these collective duties. While each citizen is equally a member of a responsible collective, the individual duties that arise from this responsibility vary based on four criteria: i) their capacity to influence, (ii) the effectiveness of their influence, and (iii) their actual influence over the injustice, and (iv) benefit from injustice.

The effect of a citizen's influence is dependent on their capacity: their time, resources, and knowledge. It is also dependent on the effectiveness of their influence. This effectiveness relies on a separate set of resources, those more closely related to power: wealth, status, leadership within a sub-group, or popularity. A graduate student could use some of her

time and political knowledge to campaign on a certain issue. She has some capacity, yet her efforts are unlikely to match the outcome of one phone call from the CEO of *Coke*, *Nike* or *Nestle*. She does, however, have the ability (skills, time, and information) to participate that a single parent seeking employment might lack. Citizens often consider effectiveness to be the only criterion to determine whether their effort is worthwhile. There is an implicit mentality of ‘ought implies can’: I cannot have a duty to hold the state accountable if I cannot actually hold the state accountable. Yet given the *collective* opportunities for citizens to influence, the basic level of capacity throughout the citizenry is central to making use of collective power. While your individual lack of effectiveness may reduce, or change the nature of, ‘your bit’ of the collective duty, it does not remove it altogether. Instead, a citizen’s contribution is considered in light of citizens’ collective capacity to influence the state.

Effectiveness is not only based on power, it can also be time- or context-dependent: a left-leaning think-tank may have much more effectiveness in influence while Labour is in power; a citizen might have endless capacity in terms of skill, resources, and time but hold a view that is not currently accepted into public discourse (such as a fundamentalist religious view); an ordinary citizen may be involved in some event or incident which, throwing her into the limelight, gives her an opportunity to have her voice amplified on that issue. Effective influence will often track power and wealth within society but they are not the sole determining factors. A member of a union, or a large church might also gain a bigger voice given the organized sub-collective of which they are a part. The organization allows for the amplification of a view.¹¹ That is, both that in speaking together a view is

¹¹ Young, *Responsibility for Justice*, 148.

more likely to be heard, and that the organizational channels make it more likely that consensus will form and the action can be effectively organized.

In addition to the role that capacity and effectiveness play in determining our bit, the extent to which an individual influenced or benefited from injustice can also affect her share of the collective duty. We should recall that in a specific case of injustice, if certain individuals or groups can be identified as influencing the injustice or directly benefiting from it, this individual or group will directly bear the responsibility (whether it be remedial, outcome or moral) for this injustice, or for their clearly identifiable part in it. If, for example, the current imposition of international intellectual property regulations is deemed unjust, it would be plausible to hold some large pharmaceutical companies individually responsible for their clear role in influencing the content and enforcement of these regulations. This responsibility would not, in this case, be mediated through the actions of the state. In some cases, responsibility might be shared between specific individuals or groups and citizens as a collective. The cases we are concerned with here are those where it is the *collective* influence and benefit that grounds responsibility for citizens as a collective. That is, where it is not possible to identify which specific actors made the deciding contributions. It might, however, be possible to identify which citizens or sub-groups of citizens have had more influence than others. While alone they could not have made a difference to the outcome, they played a bigger role in bringing it about. Consider the difference between the owner of a number of vintage cars who regularly goes on long drives in her fuel-inefficient cars for her own enjoyment and the owner of one small car that is used to transport her children to school and herself to work. Neither makes a decisive difference to permissive government policy on the climate change and energy issues surrounding car use. Yet, it is clear that the luxury car owner makes a bigger

difference to the collective influence on the state and so may have to bear a bigger part of the burden to rectify the (possibly) unjust government policies.

It may also be possible to identify those individual citizens or sub-groups of citizens who have benefited more from particular injustice or who, in general, are in a position to enjoy the benefits of the state's unjust actions. In the case of remedial duties, then, those who have benefited more will have a larger share of the collective duty to put the situation right. In addition, those in a position to receive systematic benefits from the state will have a larger share of the tasks required to fulfil the collective duty to hold the state accountable. Their privileged status places them in a position to bear a bigger share of the duty to hold the state accountable, not only because they are likely to have more capacity to influence, and more success in their influence, but also because they have a bigger stake in the state and its acts. Young endorses a similar principle, holding privilege to be one of the determining criteria of what your political responsibility might entail; Young argues that the privileged, 'as beneficiaries of the process [current structures] [...] have responsibilities. Their being privileged usually means, moreover, that they are able to change their habits or make extra efforts without suffering serious deprivations.'¹²

On the one hand, your share may be larger because of your ability to discharge your share more effectively. Our aim is to distribute the burden of the collective duty equally rather than the actual shares equally and so those who are more able and more effective will have a bigger share. On the other hand, your share could be larger because you enjoy a position in society that makes you more likely to receive the benefits of state actions, and relatedly, more likely to have a vested interest in ensuring the state's actions benefit you. These sets

¹² Ibid., 147.

of reasons will often, but not always, overlap. As I have suggested, at times, the person whose voice is most likely to be heard is not the same as the person with the most capacity or privilege. A person's voice can be effective because they experience a brief moment of fame (as the winner of an award or victim of an injustice) or if they belong to a group that effectively co-ordinates to express their interests. In addition, some members of society will enjoy a privileged status but not have much capacity to influence, perhaps because they are elderly, or may enjoy a position that is no longer politically respected, such as an unpopular aristocracy. Who counts as 'privileged' would vary between states, and would rest particularly on the kind of injustice a state is involved in. Successful business owners may be in a place of particular privilege in a state that contributes to the creation of business-friendly international policies (such as minimal international taxation or labour regulations), whereas those in the agricultural sector may enjoy more privilege in a state that puts protectionist policies or subsidies for agriculture alongside enforcing open trade borders elsewhere. This kind of position of privilege could also be enjoyed by an established church that enjoyed particular power and subsidy from the state or, in general, by those in the social and economic upper classes.

Other things being equal, we should all share the burdens of our collective duties equally, yet the same proportion of the collective burden will create vastly differing burdens on individual citizens. In order to equalize the burden therefore, the actual acts or efforts required from us will vary. In the case of reparations, this might require a graduated tax scheme so, just like in domestic taxation, those who are more capable of contributing are required to contribute more. Alternatively, it might be appropriate to have special taxes on certain goods or services to shift the burden onto those who have more systematically benefited from the state's injustice. The activities involved in holding the state accountable

are less clearly divisible or enforceable and so it will fall to citizens to determine how to fulfil their own share; for some, this might involve merely participating in elections, for others, more active lobbying on certain issues. For these individual duties, we have expectations of citizens and hold them personally morally responsible where they fail to do their bit, but we cannot enforce their participation in the way taxation for reparations could.¹³

Note that this apportioning of the collective duties is distinct from two other strategies proposed in the current literature. It does not, as Stephanie Collins suggests, apportion the burden entirely according to the source of the duty. On Collins' view, our burden should be determined by our contribution to the relevant source of the duty.¹⁴ If the collective has a duty based on its causal contribution to a harm, the member's burden is correlative to their individual causal contribution. Often there will be multiple sources of our duty such as benefit, moral responsibility, outcome responsibility, or association. In these cases, Collins argues that we should, for example, calculate that 60% of our duty is grounded in benefit and 40% in causal contribution and then share out that 60% according to individuals' benefits and the 40% according to their causal influence.¹⁵ I have argued however that citizens are equally a part of the collective that is morally responsible; the distribution of the material share does not track their contribute to the collective outcome (because, by its nature, this will not be clearly identifiable) but attempts to equalize the burden given the non-ideal (and non-equal) nature of the citizens in the collective.

¹³ This will be discussed more in s.6.2.3.

¹⁴ Stephanie Collins, "Distributing States' Duties," *Journal of Political Philosophy*, forthcoming.

¹⁵ *Ibid.*, 7.

A second view is that the shares of the collective responsibility should be shared equally, or at least, we are justified in distributing them equally because citizens are equal participants in their joint project. This view does not rule out that we might differentiate the costs based on capacity (as in the tax scheme) but would ground this distribution, as I do, in the value of ascribing equal shares of the burden rather than strict equality of material shares. In the case of remedial duties in the form of compensation, there will often be little to distinguish my account from this equal apportioning account. One person's money is not going to be more effective than another's. Being in a position of privilege will often (although not always) track wealth. I have argued, however, that in cases where individual citizens or sub-groups of citizens have influenced the action more (although not decisively) or benefited more from the injustice, we may call upon them to bear a bigger share of the duty to rectify this injustice.

The account I have offered here also applies to the distribution of the collective duties to hold the state accountable and to bear the possible costs of punishment. Here I have argued that is not just capacity that can account for the unequal burden of one's share of the duty: in seeking to hold the state accountable, some will be able to do so more effectively and some enjoy a stable position of privilege that both makes them more likely to enjoy the benefits of the state's actions. As following the tales of Spiderman famously teaches us, with great power there must also come great responsibility. Those who are the biggest gainers in society and most able to influence policy to their own benefit, have a bigger share of the collective duty to ensure these policies do not perpetuate injustice. We might worry that this differentiated responsibility results in an endorsement of the powerful having more influence in political decision-making. But, in fact, the differentiation

acknowledges the reality that citizens cannot contribute equally and differentiates the responsibility to *pursue justice* rather than the opportunity to have your voice heard.¹⁶

6.2.2 *Non-compliance and Picking up the Slack*

The questions discussed in this thesis are rooted in the challenges of the current non-ideal world and examines what we ought to do within the structures we currently occupy. Normative claims in a non-ideal setting are risky; non-compliance is likely given the environment in which the actors live. Just as the duties outlined in this thesis are likely to be different from the duties we would have in an ideal world—perhaps the ideal world has no states or a world state—so too we might think that the duties that I have described might be radically different if I took non-compliance into account. Do I have any reason to do my bit toward the collective duty if no one else is? Will it still be the appropriate action or will my duty differ? Do I have a duty to pick up the slack for those who do not comply?

Current citizens seem to hold an implicit view of ‘ought implies can’, which, on an individualized view rules out many of the outward-looking duties we have discussed. Citizens justify non-compliance to themselves with the idea that their participation will be ineffective, and that the burden is too great for them to be expected to bear. An emphasis on the collective nature of the duty may undermine the first attempt at self-justification and the capacity-sensitive nature of each citizen’s share mitigates the worry of over burdensome duties. There will, of course, still be non-compliance but it may be less prevalent than our current political climate suggests. A public discourse around the collective, outward-looking duties of citizens will shift the perception of what it means to be a citizen to include these types of outward-looking concerns. With this public culture,

¹⁶ This is discussed in more detail in s.6.3.3: ‘Is it undemocratic?’

compliance may become more likely than in our current individualized conceptions of citizenship.¹⁷

So far, so good, but given this non-compliance, are citizens expected to pick up the slack? If, as I have emphasized, it is only as a *collective* that we can influence our state, should I bother at all if I am aware that others might not? Citizens do need to pick up the slack but only insofar as they are able to do so without preventing them from pursuing a meaningful life. Some feel called to this level of political action but given political life is meant to enable our security to enjoy a worthwhile existence, it seems clear that we cannot have a duty to prioritize our role as citizen to the cost of a meaningful life.¹⁸ There are in fact a lot of citizens. Effective collective action need not include them all in each instance and so we can afford a lot of slack; we forget quite readily how little current citizens actually engage, and how many citizens in each state there actually are. With this in mind, the problem seems less daunting. Ideally, all citizens would do their bit of the collective duty, but it would take widespread non-compliance to make any action completely ineffective. Still, we ought to consider what a justice minded citizen ought to do in such a case should it arise. Such a citizen, along with her fellow citizens, would still be under a collective duty to hold their state accountable, to work toward making their state an accountable agent if it is not, and to rectify past injustices.

At its base, the duty that grounds these individual duties is a *collective* duty to hold the state accountable. In the face of non-compliance, this duty does not dissolve. Just as our personal duties remain despite our non-compliance, so too would the collective remain

¹⁷ See s.7.4.2 for a discussion about how civic education may serve to encourage this kind of public discourse.

¹⁸ Note that this does not exclude the possibility that as an individual (rather than as a citizen) one has a duty to combat severe injustice (such as genocide, for example) at personal cost.

under its collective duty even when it fails to fulfil it. If the collective remains under a duty, its members remain under an individual duty to contribute to fulfilling this collective duty. On my view, the collective duty is not ‘divided up’ into individual duties.¹⁹ The duty is collective and the burden of fulfilling the duty is divided up: our individual duty is to do our bit *toward fulfilling the collective duty*, not just to do this assigned bit. This may seem like a trivial distinction but it does important work here. Miller’s view holds that collective responsibility is divided between members of a collective, and so rightly belongs to each individual. When some choose not to fulfill their individual duty (but remain capable of doing so), the responsibility remains with them rather than shifting to the compliers. While the compliers may have reason to pick up the slack, they do not have a duty of justice to do so. Yet, if, as I contend, we understand our individual duty as a share in the task of fulfilling a collective duty of justice rather than an individual duty of justice, when others do not comply, it might shift the content of our individual duty but it does not change the duty itself. It also importantly highlights that in the case at hand, the question is about distribution of the burden *within* a group rather than between unrelated individuals. Miller, who argues that it is not a duty of justice to pick up the slack, concedes that in ‘groups proper we may think that responsibility passes between the members when some of them default.’²⁰

The model I set out in the previous section distributes the burden according to capacity, effectiveness, actual influence and benefit. Non-compliance may have to be fed into this calculation. It will, therefore, still be balanced against capacity to fulfil the duty and how effective action will be. In this way, your duty would remain sensitive to your ability to fulfil it and so would not be unreasonably demanding. Citizens will have grounds to

¹⁹ David Miller, “Taking up the Slack? Responsibility and Justice in Situations of Partial Compliance,” in *Justice for Earthlings: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2012), 219.

²⁰ *Ibid.*, 220.

complain that their individual duty is increased because of others' non-compliance. But this complaint will be to their fellow citizens and will not change the fact of the collective duty that needs to be fulfilled.

Citizens then, will have a duty to pick up the slack of their fellow citizens' non-compliance. In a democratic state there are mechanisms in place to enable even a single voice to be heard: a single citizen can take the state to court; can run for representative office; can work to mobilize other citizens. To be sure, not every citizen will be able to do these things, but then it would not be a failure to do their bit. Those who have limited capacity will not be left to pick up all of the slack. In some cases, the best that will be available to citizens is to lobby those who do have more capacity to recognize their duty to act. Your duty to do this remains even where others are failing to comply.

6.2.3 Implications for Citizens

Thus far we have established that individual citizens, as members of a collective that is morally responsible, acquire an individual duty to contribute toward collective duties. This individual duty varies according to capacity, effectiveness, and benefit from the injustice. We have also established that being a part of a morally responsible collective has implications for individual citizens. The first is this individual duty to do your bit, but others include one's moral standing being affected, possible feelings of guilt and demands of apology. While one's moral standing will be affected regardless of one's specific actions, the appropriateness of guilt and apology, like one's bit of the collective duty, depend on one's involvement in the injustice. The final set of implications for individual citizens that we need to consider are those that arise from one's fulfilment or failure to fulfil one's individual duty. Bearing in mind that this duty is graduated according to

capacity, a failure to fulfil this duty can result in individual moral responsibility. Individuals will not be liable to punishment nor will it always or often be the case that we find it necessary to publicly condemn such individuals. It is a moral duty like fulfilling a promise; we grow to expect this from each other and censure those who fail to meet our moral standards but we do not legislate or enforce it. This moral duty, and the risk of social censure, will, however, provide motivation to contribute for those who are concerned with their personal moral standing. Others might fall at the other end of the spectrum, continually contributing toward collective duties, perhaps even doing more than their share. Should we hold them responsible? Here the individual will clearly have fulfilled their duty to do their bit, and so will not be held personally responsible. This does not however change their standing in relation to the collective's responsibility. It might be the case that a citizen had particularly benefited from an injustice and so experienced feelings of shared guilt and responded by doing even more than her fair share of collective duties. Alternatively, it may often be the case that those who consistently do their bit will be distanced from feelings of guilt or apology because they had attempted to curb the original injustice. They will remain however a part of the responsible collective, which will remain one feature of their moral standing.

6.3 Considering Possible Objections

6.3.1 Is it too Demanding?

The first challenge to a theory of citizen responsibility is that it could be too demanding on individual citizens, particularly those who are struggling to support themselves. Protesting and boycotting is a luxury of the middle and upper class; if I am struggling to support myself and my family I am unlikely to purchase the more expensive meat in protest against

the unregulated supply chains. This is a cost that we do not want to impose on those who already bear significant burdens. The differentiated distribution of the burden of fulfilling collective duties goes some way towards mitigating this concern. Even so, we might worry that the model of citizen contribution has little chance of success given that it often requires financial or time sacrifices from individual citizens. While there is a cost involved, in almost all cases it would be marginal in comparison to the cost born by others in order to provide these goods and services. Perhaps an individual citizen would have to eat less meat in order to afford products that are fairly traded. But others are working for unreasonable hours each day for minimal pay in order to provide cheap tea and coffee (for example). We cannot justify systematically prioritizing the reduction of the burden of our own costs over those that others bear. To be sure, there will be cases where we can legitimately prioritize the costs to ourselves over those of others. We do this, for example, in some rescue cases where we allow the certain death of another rather than putting ourselves under a high risk of death. Yet, while we do need to take seriously the capacity of citizens to contribute, we should be wary of over-prioritizing the desire to maintain a high standard of living for ourselves. The issue then, is not whether citizens should do it, but whether we can reasonably expect that they will. As discussed in section 6.2.2, a shift in public culture would encourage compliance. If, for example, it is no longer the norm always to serve meat at a function or dinner party, it will be less of a personal cost to choose not to purchase meat. In addition, a culture of state accountability will build: the more citizens hold their state accountable, the more responsive the state will become to its citizens, and so citizens will be more willing to make the effort to highlight injustice.

A related problem is one of co-ordination: I am refusing to buy from Primark, but Alice is shopping at Primark yet making a big effort to boycott Starbucks. Or suppose two

constituencies are lobbying their local MP on different issues that they regard as the most pressing foreign policy concern; perhaps those in an area by a port are convinced that immigration reform should be the government's key focus while those in an inner city are concerned about international tax reform. Both issues are plausibly important concerns of justice but they may have to compete for resources and attention given that governments can only deal with a certain amount of legislation at a time. It appears as if co-ordination is necessary to effectively discharge the collective duties as I have described. There are two kinds of co-ordination that might be important here: we might all want to focus on the same range of issues in order to leverage change most effectively or we might need to co-ordinate our actions in order to achieve a certain outcome. For example, boycotting a company does not require co-ordination, but the more people who do it, the more effective the boycott. A protest march, however, requires at least some level of active co-ordination to happen at all. Without co-ordinating on the time and venue and main goals of the march, even if we share the same goals we cannot make the action happen. So without co-ordination we face two problems: we might share goals but be unable to act on them together effectively or although we share an overarching goal we might prioritize differently and so work against each other in the pursuit of lower level goals. As a result, many well-meaning citizens may act according to the principles but in practice not be able to make a meaningful difference.

The wider project of creating a globally-oriented citizenship should help to highlight and centralize actions on the more urgent problems. An open public discourse around outward-looking duties of citizenship would help both to enable co-ordinated actions and to create shared priorities. In addition, citizenries contain large sub-collectives such as workers' unions or faith-based groups that are ready-made areas of co-ordination for large collective

actions. In fact, contemporary society doesn't seem to lack co-ordinated efforts to influence the government but rather these efforts lack widespread participation. In the UK, for example, there are regular campaigns organized collaboratively between justice and peace oriented NGOs (such as Oxfam, ChristianAid, and CAFOD) which include, among other strategies, marches and co-ordinated letter writing to MPs.²¹ Most liberal western democracies have large populations and extensive governmental structures. As such, it is also plausible that there is scope to pursue a number of different projects of global justice at once. Even if we do have disparate priorities, there are enough citizens, if the majority participate, to meaningfully influence the government on a number of different issues while remaining effective. Though priorities may differ, the overall goal is shared and so many issues that are closely interlinked will in fact be aided by a multidimensional approach. While seemingly very different, influencing reform on arms trading regulations may have an impact on refugees from states involved in civil wars. Highlighting an injustice such as supplying arms to a rebel movement might help boost the case that a state ought to welcome more refugees from that state, for example.

These qualifications highlight the difficulty in describing a definitive case of collective moral responsibility: sometimes it is not clear whether the state is responding to the demands of citizens or perhaps acting in light of what they perceive these demands may be. The state could be acting on demands from citizens without this resulting in benefits for citizens, or citizens may be receiving benefits that they did not in any way demand. Likewise, there may be citizens who strongly oppose state action but still in many cases

²¹ Recent examples include the Big IF campaign focused on influencing decisions made at the G8 meeting held in the UK in 2013 and the current Climate Change Coalition. Liz Ford, "Anti-Hunger Campaign IF Launches with Call to G8 to Act.," *The Guardian*, January 2013.; Emma Howard, "Thousands Join Mass Climate Change Lobby Outside UK Parliament," *The Guardian*, June 17, 2015. <http://www.theguardian.com/environment/2015/jun/17/thousands-join-mass-climate-change-lobby-outside-uk-parliament>

receive benefits from it or they could oppose state action for years and then go into retirement in order to preserve their family life in their old age or for some other *prima facie* good reason. Borderline cases are unavoidable but there are three factors that mitigate the worries they create. Firstly, if we hold that citizens are responsible for actions of their states in these conditions, it will encourage citizens to make an effort to do their bit of the collective duty to prevent their state acting unjustly and to make it clear where the state is acting independently of demands of the citizenry. It will be clearer where exactly the responsibility lies, as there will be an incentive for citizens to make these distinctions. We might worry that citizens will try to protect themselves from responsibility by consistently opposing any state action that appears risky. By encouraging citizens to make these distinctions, it could be a kind of moral insurance to strategically remove themselves from the many morally and practically complex situations states encounter in the global sphere. Citizens who adopted this strategy would not, however, avoid responsibility since the duty is not just to avoid complicity in injustice, but to hold the state accountable to justice (s.4.3). Where citizens distance themselves in this way, we return to the point illustrated in our discussion of states' rogue acts: citizens have a responsibility to reel their state in when it begins to engage in rogue acts. Of course, at times the just course of action will not be clear and so well-intentioned acts may not ensure just consequences. Neither citizens nor states can be held responsible where well considered and well-intentioned acts unexpectedly prove to allow or perpetuate injustice.

Secondly, we should keep in mind that I have argued that *in so far as* the features discussed in section 5.1 apply, citizens are responsible. So the problem is epistemic rather than a concern about the substantive nature of the theory. Citizens are not being held responsible in cases where they should not be: rather it will at times be unclear who has

fulfilled their collective duty, or whether the collective is responsible at all. Thirdly, we should recognize that it is not legal culpability that we are discussing, but moral responsibility, and so the standards may differ.²² Expecting citizen contribution to global injustice to be proved beyond any reasonable doubt before we will acknowledge any role for moral responsibility gives undue weight to the position of the perpetrator over the victims of injustice. In legal cases there are good reasons for this weighting: finding someone criminally guilty leads to the removal of a number of their human rights, and condemns them in the eyes of society. If a mistake is made, there is a serious cost that is further exacerbated by the fact that institutions of justice will have acted unjustly.²³ In cases of global injustice however, there is little to support the idea that the benefit of doubt should lie with the wealthy of the world rather than with the impoverished.²⁴ We ought to establish evidence that citizens are involved in relevant ways in these unjust acts before we ascribe responsibility. We should not assume, however, that responsibility does not apply until complicity has been proven in each instance beyond any reasonable doubt.

6.3.2 *Is it Fair?*

We should take ascribing moral responsibility seriously and so even though this responsibility is attributed to the collective, we might be concerned about including certain citizens in this collective: should the activist citizen be responsible?; Or the citizen who was completely unaware of the injustice?; Is it fair to hold citizens responsible if they are in this role involuntarily? We might worry that it is wrong to attribute any level of responsibility to the citizen activist; our motivation is to encourage citizens to make this effort yet collective responsibility fails to account for those citizens who actively protest

²² Christian Barry, "Applying the Contribution Principle," in *Global Responsibilities: Who Must Deliver on Human Rights?*, ed. Andrew Kuper (New York: Routledge, 2005).

²³ Ibid., 143.

²⁴ Ibid., 146.

their state's behaviour—they go on marches, sign petitions and vote for reform wherever possible. It may also fail to differentiate between those who are actively involved in promoting injustice (like the proponent of torture discussed previously) and those who through negligence allow injustice in their name. There are two aspects to the objection: unjustly implicating someone who clearly does not support state action and an incorrect distribution of responsibility across complicit parties. Those who actively protest unjust behaviour are contributing their bit toward fulfilling the collective duty to ensure state action is just and so are not personally morally responsible. They are however, still a part of the morally responsible collective, even where as individuals they have done their utmost to ensure the injustice did not occur. This might mean that they are then liable to contribute toward the remedial duties that arise out of this injustice. In addition, it will be a part of their moral standing that they are a part of a collective that is morally responsible. While this can seem intuitively unfair, this is the cost of being a part of a collective project that has the capacity to create injustice. While the state comes with many benefits, it also comes with the risk that any collective project comes with, that you are dependent on the decision-making of others that at times will go against your interests and will. We should note however that although one is a part of the collective that is to blame, individuals who have not supported the act would not appropriately feel guilty for the acts or the need to individually apologize. That is, while, as we discussed previously, you may have a duty not to undermine the collective apology, you would not have to apologize personally. In addition, 'your bit' of the collective duty will, in part, be determined by the extent to which one benefited from the action. There is therefore some room to distinguish between those who have supported the injustice, those who have remained indifferent to it, and those who actively opposed it.

Our second concern was about the unaware citizen: citizens often seem to be ignorant of much of the injustice occurring or the ways their state is involved and so, perhaps, it is unreasonable to hold them responsible. This is true especially given the ways states are purposively secretive for reasons of state security; there are multiple aspects of foreign policy of which citizens are unaware. This point has been clearly illustrated in recent years, both in the controlled release of the MI5 secret service papers in the UK, and the multiple revelations of *Wikileaks*. Citizens could be described as ignorant in two ways. Firstly, citizens could be ignorant of the injustice while it was occurring. Secondly, citizens could be, and remain, ignorant that the injustice had ever happened.

In one sense, citizens are responsible for injustice, even where they are not aware of it, on the grounds I have laid out: they buy in to the democratic principle of the state being a representative of the people, their demands influenced the state, they benefited from the injustice, and they are in a unique position to prevent state injustice. Recall, however, that citizens cannot be held responsible for acts that are an unreasonable interpretation of their demands, similarly citizens would have to be able to have reasonably foreseen the state's act in order to be responsible in spite of being ignorant of the act. There are many state acts that are foreseeable in light of the demands that are made on it—as suggested in the Apartheid example, citizens may not have known specific injustices, but they could reasonably foresee the actions that the Apartheid policy would require. Reflection on the demand being made can reveal the potential means required and what one might reasonably foresee being done if one's demand was met (see s.4.5; s.5.1). When this is the case, it is not justifiable to deny responsibility on the grounds of ignorance.

When citizens remain unaware of the injustice it becomes harder to hold them responsible. As members of a collective that is in a unique position to hold their state accountable and that regularly and expectedly influences state action, citizens do, however, have a burden of ensuring they are not wilfully ignorant of injustice. There are multiple cases of injustice that are clearly publicized: certain international trade agreements, international wars and the plight of the global poor are all repeatedly highlighted in the media in contemporary democracies. Take, for example, the widespread reporting on the plight of refugees attempting to cross the Mediterranean Sea. A collective that was making an active effort to shape the actions of its state would also be more likely to be able to pressure the government into being more transparent in their decision-making. There will, however, be some instances where the collective will have no way of reasonably foreseeing the state's actions (if a state actor is pursuing personal interest, for example) or ever being informed of them, and so responsibility would not be grounded.

Thirdly, we ought to consider the involuntary nature of citizenship. In most cases we do not choose to belong to society and so some might argue that we should not be held responsible. The argument is that it is unreasonable to place responsibility on someone for the acts of their state when they have no choice but to belong to this state. It is relevant to distinguish here between citizens being politically obligated, and citizens being responsible for their state's actions. While citizens may not have chosen to belong to a particular society, many of them support it, participate in it and receive benefits from it which I have argued are sufficient grounds for responsibility. It does not, however, necessarily establish that citizens are obligated to the state, which is a different and arguably harder case to establish. Miller's reluctant Mafioso example may provide some useful insight here. In this example an individual has grown up in the mafia and so has strong incentives to remain in

the family business, and would face equally powerful sanctions upon trying to leave.²⁵ It is difficult to argue that they have voluntarily joined the group, yet as a member of a group that acts dangerously it does not seem unreasonable to hold them responsible.²⁶ In their day-to-day activities they have a choice each time to act more or less in the interests of the mafia and so are actively participating in the overall behaviour of the group. It is reasonable to argue that given there are morally reprehensible acts occurring on their watch, they are, at least in part, morally responsible for these acts, and under a duty to try, insofar as in their power, to reduce or prevent the harm of these acts. While their involvement in the mafia does not *obligate* them to the mafia, it does implicate them in its actions and so gives rise to responsibility for them.

6.3.3 *Is it Undemocratic?*

Lastly we turn to a perhaps more troubling concern: even if citizens are able to make meaningful differences to government policy through their political and consumer behaviour and it is fair to require it of them, is it democratic to suggest they should? Given that I have conceded that some citizens will have more capacity to exert influence through these channels, will democracy be undermined if we encourage citizens to influence policy in this way? One of the key values of democracy is the way it offers each citizen an equal voice: is it too much of a concession to the non-ideal to cater for, and utilize power imbalances in society?

This problem is particularly apparent in the consumer sector. Citizens can influence policy through their purchasing power or where they invest. This can be individual choice

²⁵ David Miller, "Collective Responsibility and Global Poverty," *Ethical Perspectives* 19, no. 4 (2012): 634.

²⁶ Ibid.

cumulatively shifting demand or an organized boycott. As Waheed Hussain puts it ‘some decisions in a liberal democracy should be made through a market process, while others should be made through a democratic legislative process, and the role of a modern consumer effectively straddles the boundary between these two domains.’²⁷ Outside of formal political channels, this kind of political consumer activism creates a risk that disparities of purchasing power among citizens will weaken the democratic process. Hussain points out that if we allow unregulated consumer ‘vigilantism’ we are failing to respect some procedural aspects of democracy. In some cases it is clear that the desire to respect these procedural aspects of democracy will be outweighed by the level of injustice one is attempting to address.²⁸ In liberal western democracies however, Hussain argues that we should not allow unregulated citizen intervention at the cost of important political procedures. Those who have a louder voice may be able to advance their own agenda without the collaboration with other citizens or indeed a real mind to the common good (which is something we expect of citizens in their normal political behaviour).

Hussain offers us a useful discussion of the way consumer choices may be used. The kind he is interested in is *social change ethical consumerism* which ‘is the practice of choosing to buy certain goods and services at least partly on the grounds that doing so will create an economic incentive for other agents to act in ways that will advance some moral, social, environmental, or other nonmarket agenda.’²⁹ This is importantly different to ‘clean hands ethical consumerism’ where the aim is to avoid being implicated in the injustice or expressive ethical consumerism where the aim is to express approval or disapproval rather than explicitly try to bring about change. And lastly ‘unmediated ethical consumerism’

²⁷ Waheed Hussain, “Is Ethical Consumerism an Impermissible Form of Vigilantism?,” *Philosophy & Public Affairs*, no. 2 (2012): 114–5.

²⁸ *Ibid.*, 134.

²⁹ *Ibid.*, 113.

which is using one's buying power to advance some non-market agenda but without any attempt to influence how others behave or the market, for example, buying a hybrid car just to reduce gas emissions.³⁰

The idea behind Hussain's work is that in most cases we shouldn't use undemocratic measures to combat injustices. Where the injustices are on a massive scale then our disrespect of democratic procedures can become morally acceptable. Hussain argues that in the laws and political procedures in most liberal western democracies (like the US and Canada), the injustices present 'do not (for the most part) rise to a level where undemocratic measures would be permitted to change them.'³¹ What Hussain misses however is that a big proportion of injustice that might be combatted through consumer activism is transnational. It is less clear then why I ought to be so tightly bound to respecting my own democratic procedures if I will be changing (through the mediation of my state) international structures not domestic ones. We do not have strict democratic procedures internationally or between two or more states who interact extensively. This realm does not have the same kind of procedural commitment that Hussain relies on in his argument at the domestic level and further, given the grave injustices that occur in this realm, domestic democratic procedures, while important, are not automatically the priority. Most relevantly, the underlying reason that we think citizens' interests ought to be mediated through democratic procedures is to ensure that they are given equal weight. The state is a collective project and so in our working together we have a commitment to consider each other's interests equally and to distribute the benefits and burdens of our practice fairly. The question here is whether we need to hold onto that principle of equal consideration of interests when it comes to the external actions of states and the impact

³⁰ Ibid.

³¹ Ibid., 135.

that our practice has on others. We need to hold onto the idea that what the state pursues in the international realm is a reflection of the interests of citizens, equally considered. It doesn't seem true, however, that citizens' interests or investment in the justice of those actions needs to be considered equally in the same way. Here, citizens' interests are the same: it is the fulfilment of the collective duty to hold the state accountable. The question is about the action required to fulfil that duty and it doesn't undermine democratic procedure for those actions to be distributed according to capacity, effectiveness, influence and benefit. In fact, it would in my view, constitute distributing the burdens of the collective practice fairly even though in this case that does not mean equally.

At a fundamental level, citizens' influence remains the same: the vote remains equal. Yet, we think that, as representatives, some individual citizens have a lot more scope to influence and create policy. We elect representatives for practical reasons, they are more able to equip themselves with the requisite knowledge and are able to dedicate the time to the task. Perhaps similarly we might consider it acceptable to delegate some of these duties to the more powerful and those who have benefited more from international interactions. This is not to endorse powerful lobby groups using their power to influence the state to their own advantage. These individuals or sub-groups are not given free rein to influence policy but have a moral obligation to influence policy to ensure justice in the international realm. In this way, my view is similar to Hussain's who argues that consumer activism should be performed with an eye to the common good, with citizens 'conduct[ing] themselves as a kind of ad hoc committee, working on behalf of the citizen body as a whole.'³²

³² Ibid., 125.

6.4 Conclusion

In this chapter I have discussed the normative implications of my view for individual citizens: how does the collective duty of accountability fall on individuals, and what is the consequence of their collective's moral responsibility? I have argued that individual citizens cannot bear punishment for their collective's actions, but can bear costs of the rectification of injustice, be expected in certain conditions to apologize, and to feel shared guilt or shame for their collective's behaviour. These consequences can vary according to individual citizens' actions surrounding the injustice: those who fought strongly against it may not be appropriately expected to feel guilt, for example. All citizens however, will be considered a part of the responsible collective and this will reflect on their individual moral standing. In light of the remedial duties that this responsibility can ground, and the two collective duties of accountability that citizens bear, the chapter considered how individuals ought to contribute to these collective duties. I argued for a differentiated scheme of individual duties: a citizen's bit of the collective duty was dependent on her capacity and effectiveness to fulfil the duty, and the extent to which she had influence over or benefited from the injustice. Where citizens fail to fulfil their individual duties, I suggested that we can hold them personally responsible. As we conclude in the next chapter, I will draw out some possible ways forward for individual citizens, citizens as a collective, and the state.

CHAPTER 7. Conclusion

This thesis has set out one way in which we can helpfully think about our responsibilities in light of grave global injustice. It has argued that the political channels of responsibility reveal that not only do states have a number of key duties of justice in the international realm, but also that their citizens have a duty to hold them accountable to these duties and can be held collectively morally responsible for their failure to fulfil them. As such, individual citizens have individual duties to do their share of these collective duties. In section 7.1, I will discuss how these arguments enable us to better engage with some of the puzzles set out in the introduction to the thesis. In section 7.2, I will offer some thoughts on the way forward for individual citizens. Section 7.3 will highlight some of the challenges this way forward faces, and in light of these challenges, section 7.4 will offer two strategies to facilitate citizens' fulfilment of individual duties. Finally in section 7.5, I will suggest three possible sets of questions that the thesis has opened up for investigation.

7.1 The Puzzles

In the introduction to the thesis I highlighted two puzzles that this thesis aimed to address. The first puzzle describes a moral gap where ostensibly there should be a link connecting the responsibilities of the state to the responsibilities of citizens. I argued that citizens seem to treat their states as a moral fall guy: an actor who pursues their interests but who alone takes responsibility for the consequences of these pursuits. On one level it seems responsibility should run cleanly through: if the state acts in the interests of its citizens, as it should in a democracy, it seems clear that citizens should bear some responsibility for what the state then does in their name. Yet, in reality, citizens often feel far removed from their state. Alone, they are unable to influence their state meaningfully and so do not feel

responsible. The thesis engages with this gap: how best can we understand it? Is there a genuine gap in the chain of responsibility or should responsibility rightly remain with the state? The second puzzle underlying the thesis is a tension between two commitments: a commitment to democracy and a commitment to fulfilling the demands of global justice. If we view democracy as government by the people and for the people, to what extent can we expect democratic states to pursue global justice that is not endorsed by the demos? If the chief aim of a democracy is to represent the will of its citizens and to protect their basic rights, can we expect a democratic regime to pursue global justice without undermining its own end? Does our strong commitment to democracy allow, or tempt, us to prioritize democracy over global justice concerns?

The model I have built throughout the thesis resolves these interrelated puzzles. The tension between democracy and global justice is dispelled by considering, as we did in Part I, the ways that democratic regimes exist as agents in the international realm alongside other, equal, agents. Section 1.2 argued that states were equal agents in the international sphere and that this equality grounds a commitment to ensuring substantive equality of standing between states. If states are to treat each other as equal agents, Part I argued, they ought to be bound by a principle of non-harm, and, in correlation to the inter-personal case, to rescue those states that can be rescued from crisis at minimal cost. When states interact with each other, in order to respect their equal standing, they are to be governed by a principle of equality in negotiation. This principle ensures that interactions between states are done on an equal footing. That is, it does not remove competition or bargaining to best cater for one's own citizens, but it ensures that states have resources available to function as an equal in the negotiation process, and further to ensure that they are not dominated in their decision-making. These duties highlight that while the state's

fundamental aim is to secure the basic needs of its citizens, a state, by its nature as an agent in a globalized world, is bound by duties to those alongside whom it exists. A clearer understanding of the nature of the state therefore begins to dispel the tension between the idea of democracy and the idea of global justice.

Section 1.3 argued that the widely accepted principle of equal moral worth grounded a duty to provide basic human necessities by all, for all. Section 4.4 suggested that participating in the practice of having a state was the central way that citizens ensured these necessities for themselves and provided them for others. This duty is, however, universal; persons who are not protected within their own state are owed access to these basic human necessities from those outside of their state. For citizens of a liberal western democracy, this duty to those outside of their state is best fulfilled through their state. The size of a democracy's aid budget may appear to be the product of balancing citizens' own interests and meeting the requirements of global injustice. But, in fact, these outward-looking actions are a reflection of citizens' interests to fulfil their own duty to provide basic human necessities to all. As we discussed in section 3.5, there will be hard choices to be made when faced with competing needs. But the decision does not rest purely on government, and it is not a choice between citizens and others, but, like many democratic choices, a case of choosing between a range of interests with limited resources at hand.

In Part II, I argued that citizens are under a collective duty to hold their state accountable, and can be held collectively morally responsible for unjust acts of their state. The duty to hold the state accountable is grounded in citizens' intentional participation in the practice of their state. The moral responsibility of citizens is grounded in four important features of

citizens of western liberal democracies: (i) they buy into democracy, (ii) influence state action, (iii) benefit from state action, and (iv), are in a unique position to hold the state accountable. With these features in mind, the burden again falls to citizens to ensure that their demands are within the limits of global justice. While the state is an agent, and so is not without responsibility for its own actions, citizens play a central role in controlling this agency and so will be collectively responsible where they have influenced the state to act in a certain way, and have benefited from this injustice. Democracy is not therefore undermined by the pursuit of global justice. Instead, the thesis has argued that citizens of liberal western democracies need to re-think their citizenship in light of their state's agency in the global realm.

These arguments of collective accountability and responsibility set to rest our concerns about the responsibility gap. There are times when the chain of responsibility is broken: the state may engage in rogue acts (s.5.3), failing to reasonably interpret citizens' rights or respect their express wishes. The channel of responsibility may also be muddled at the individual level: citizen involvement ranges from the activist for justice to the completely ignorant (s.6.3). Some have more capacity or power to contribute to the collective duty than others. In spite of these complexities, the arguments in Chapter 5 offer us a way to perceive channels of responsibility between democratic states and their citizens that closes this responsibility gap. In light of the arguments presented thus far, we turn now to consider the way forward.

7.2 Going Forward

In the Desert March example discussed by Kutz, it is clear what each individual has to do in order to contribute toward the collective duty, which itself was clear: to provide X

amount of water to Y people. In the case that concerns us, the individual duty and the collective aim become murky: what exactly is each citizen required to do and how do they determine what actions would fulfil their collective duties? Part II argued that citizens as a collective had a collective duty to hold their state accountable: the citizens must ensure the state pursued their interests within the limits of justice and ensure the state fulfilled its duties as a state agent in the international realm. In addition, section 5.4.3 argued that collective moral responsibility for state action grounded further remedial responsibilities for the acts of their state. In Chapter 6, a model of differentiated duties was set out: citizens are all under an individual duty to ‘do their bit’ of the collective duty. But this bit will vary according to their capacity, effectiveness, and actual influence and benefit from the injustice. In this discussion, the kinds of actions citizens may need to contribute as their bit were discussed: voting, writing to an MP, boycotting exploitative companies, and so on. As we conclude, I wish to set out three ways that the role of citizenship may tangibly shift for individual citizens: involvement in public life, political-minded consumerism, and state-focused global justice campaigns.

7.2.1 Involvement in Public Life

I have not, in this thesis, entered into the extensive debates about the best way to understand or enact democracy. It is clear, however, that the view presented in this thesis builds from the position that democracy requires active participation on the part of ordinary citizens rather than just a selection of representatives. The view lends itself to a more active conception of participation in democracy, but, regardless of what kind of participation one thinks is required of citizens, the view presented here shifts the scope of concerns that ought to be taken into account when acting. Participation should be informed (although not necessarily decided) by outward-looking considerations. An important

implication of this view is that the grounds for citizen participation reach beyond one's obligations to fellow citizens. Citizens are not only obligated to their fellow citizens to vote thoughtfully and to choose a party that pursues justice, but also to those who their state interacts with and affects. This widens the scope of the kind of issues around which citizens ought to mobilize.

The thesis does not however make a new claim about representative democracy. To claim that citizenship is an active role does not necessitate a kind of direct democracy. The fundamental responsibility of citizens remains to contribute to the collective's choice of representatives. Neither the collective as a whole nor each individual has to know every piece of information about each particular situation that demands a response. The collective has representatives constituting the government and it is their responsibility to have and use this knowledge and information well. The differentiated account of citizens' individual duties set out in Chapter 6 emphasized this position. The account recognizes both the necessity for representative government as well as the limits that it creates for citizen influence. It argues, however, that the fact of representation does not dispel responsibility, but places a responsibility on citizens to hold these representatives to account.

7.2.2 Political-minded Consumerism

A second shift in citizens' role is an expansion to consider the consumer realm as political. A citizen who has the capacity to do so ought to bear her outward-looking duties in mind in her consumer choices as part of her share of the collective duty. There are two reasons for this expansion that have been set out within the thesis. The first is that many of our

consumer choices are deeply embedded in international relations: because our clothes and food, for example, are globally produced, we are implicated in our state's international negotiations. Secondly, I have argued that it is not just formal political channels that tie citizens to their state's behaviour but also citizens' political influence and ability to hold their state accountable. Consumer behaviour is one key way that citizens are able, and do, influence state behaviour. In this way, consumer behaviour becomes political. Our choices about what we buy are not only personal moral decisions but also a type of a political action that we engage in alongside our fellow citizens. To be sure, individual consumer choices often make little difference when considered individually, and citizens cannot be expected to measure every personal consumer choice against a political goal. Yet, when, for example, the price of an everyday product drops significantly due to controversial changes in government regulations, where (or if) we buy this product becomes a political act.¹ Take the current milk crisis in the EU. A change in EU regulations has removed quotas in milk production, resulting in an oversupply of milk and subsequently, price wars. Continued low prices threaten the existence of smaller dairy farms, and dairy farms in EU countries with higher labour costs. Citizens may, for example, want to buy milk from countries where farmers are paid the higher price for their milk (the UK pays 36p a litre against 16p in Eastern Europe), or they may advocate a change in the regulation to protect against this rapid change in the market, or they may want to seek out the cheapest milk to support an open market system. I make no comment here on the justness of this regulation change, but use it as an example where citizens' consumer choice involves them in a complicated political issue.

¹ Jamie Doward, "Dairy Farmers Warned: Milk Prices Have Further to Fall," *The Guardian*, January 24, 2015, <http://www.theguardian.com/business/2015/jan/24/dairy-farmers-warned-milk-prices-fall-further>.

Increasingly, citizens are recognizing this consumer avenue of political action. Consider the recent boycotts around tax evasion. Companies such as Starbucks and Amazon suffered from consumer boycotts protesting their failure to pay local tax, but most importantly, the shift in public opinion has played into a shift in international tax regulation, most notably in the EU.² In section 6.3.3 I considered one objection to this idea of the consumer as political agent. The concern is that if the market realm becomes a legitimate avenue for political influence, it shifts power to the wealthy and so undermines the foundational political equality of democracy. Given, as I have suggested, that the influence of consumer choices is inevitable in a market driven society, characterizing these actions as political serves to introduce political values to these acts. That is, the shift I have suggested is to acknowledge that in some cases the consumer choices we make will collectively influence political decisions, particularly those in international trade, and as such we should make them with an eye toward justice.

7.2.3 Global Justice Campaigns

Citizens of liberal western democracies often invest large amounts of their time and resources into projects that combat global injustice. Church groups, NGOs, school and university volunteer groups, and informal collections in the workplace reflect local support for those who lack basic human necessities, those facing natural disasters, or war. Consider the widespread efforts to support victims of the recent Nepal earthquake, or persecuted Christians in Syria. Though these efforts are commendable, the view set out in this thesis suggests that citizens should take the political route seriously. That is, citizens invested in

² Juliette Garside, "Amazon UK Boycott Urged after Retailer Pays Just £4.2m in Tax.," *The Guardian*, May 9, 2014, <http://www.theguardian.com/business/2014/may/09/margaret-hodge-urges-boycott-amazon-uk-tax-starbucks>; Lisa Fleisher and Sam Schechner, "Amazon Changes Tax Practices in Europe Amid Investigations," *The Wall Street Journal*, May 24, 2015, <http://www.wsj.com/articles/amazon-changes-tax-practices-in-europe-amid-investigations-1432480170>.

combatting global injustice should not neglect the routes available to them through their state. This route may not always be feasible or the most effective but we have important reasons to give it due consideration. The thesis has provided two such reasons. The first is that we each carry an individual duty to contribute to the collective duty of holding our state accountable. We therefore have extra reason to act through the state when we are choosing where to spend our energy and resources that we wish to focus on global justice. Not only does it contribute to the aim of global justice, but it also fulfils our own duties to hold the state accountable. Second, the state is often most able to act effectively to combat global injustice. Recall Toni Erskine's claim that states, as institutions, can often enjoy greater capacities for deliberation and action than individuals because they have 'comprehensive access to information, sophisticated means for its collection and processing, and elaborate structures for the execution of decisions.'³ Choosing to pressure our state to fulfil the requirements of global justice can, in the long term, cultivate an effective path toward justice.

There are therefore three ways that, going forward, the role of citizenship will shift; following the arguments presented in the thesis would result in (i) citizens including outward-looking concerns in their formal political actions, (ii) it would expand the political to include consumer choices, and finally, (iii) it would encourage global justice activists to follow the political channels of responsibility in their opposition to injustice. That is, it would motivate activists to give due consideration to focusing their efforts on influencing their own state rather than aiming to directly effect change in international structures.

³ Erskine, "Assigning Responsibilities to Institutional Moral Agents: The Case of States and Quasi-States," 75. See also, section 1.1.2.ii

7.3 Challenges

Despite these shifts in attitude and focus in citizen action, we may still be doubtful that citizens are able meaningfully to influence state action toward global justice. A number of reasons for this concern have been raised throughout the thesis. In section 5.3 we engaged with the worry of states engaging in rogue acts; sometimes states act in ways that do not represent citizens' interests, demands or will, and even in clear opposition to expressed public opinion. I argued that in these cases, citizens are not morally responsible for the acts of the state. Citizens do, however, have a duty to reel their state in, to ensure that the (state) agent that acts in their name does so justly.

Section 6.3 returned to the worry about citizens' ability to do their share when we discussed the demandingness of citizens' individual duties (s.6.3.1), and the fairness of making these demands (s.6.3.2). If citizens are unaware of the acts of their state, how can we hold them responsible? If citizens are facing numerous personal challenges, such as not being able to provide adequate food or education for their family, how can we place further outward-looking obligations upon them? These concerns were addressed in two ways: firstly, citizens' differentiated share of the collective duty, set out in section 6.2.1, shows respect for the capacity of citizens to contribute. Those who have insufficient resources will not be expected to contribute in the same way as those who have readily available resources, time, and expertise. Secondly, given the collective nature of the duty, we often overestimate the demandingness of what is required (s.6.3.1). For typical citizens of a liberal western democracy, taking time to vote, to write to their MP on key issues, and to make politically conscious choices about where to shop is not burdensome to their way of life. Yet two worries might remain: (i) how will these duties balance with duties that citizens have to their fellow citizens?; (ii) can we expect citizens to identify what it is that

justice requires? In what follows, I will discuss these two concerns and then present two ways, going forward, that may pave the way for meeting these challenges.

7.3.1 Balancing Inward- and Outward-looking Duties

How can citizens conceive of their role as a participant in a shared practice in the face of these seemingly competing duties? We can conceive of our role as a citizen as including two related aspects: what we owe to our fellow citizens, and what we owe together as a collective. The fact that our outward-looking duties are grounded at the collective level enables us to see them as an additional set of considerations, rather than as duties that threaten the boundaries of our citizenship duties to each other.⁴ Our citizenship is globally-savvy, not global. One worry we might have is that these outward-looking duties prevent citizens from prioritizing their original aim of creating a society that preserves their individual freedoms and rights. To be sure, in some cases, these duties will be based on a positive duty of aid to those who are without basic human necessities. Yet, more importantly, citizens' responsibility is to limit the injustice of their state, to limit the harm performed by their state. Therefore, these outward-looking duties are not chiefly concerned with what resources we owe to others, but act as a limit on what we might demand of our state in light of potential injustice. We owe duties to our fellow citizens to pursue the collective good of our society, but we are limited by what that pursuit might cost others. The duties to fellow citizens and those to global inhabitants are therefore not set in direct competition such that either we prioritize duties to our fellow citizens *or* we prioritize our outward-looking duties. Instead these two sets of duties inform each other and limit and guide our behaviour such that, in most cases, we will be able to respect both levels.

⁴ As we discussed in s.4.2.3, they are, however, both citizenship duties.

There will be cases, however, when limited resources entail that we will need to favour one set of duties over the other. The first thing we should note then, is, as I argued in section 1.3, that non-relational duties take priority over relational duties. At the state level, provision of basic human necessities takes priority over ensuring a relational duty to respect the principle of equality in negotiation. This helps us to see why it may not be just for a wealthy member of the EU to dedicate all of its development resources to ensuring equality in negotiation with a struggling member of the EU instead of giving attention to those with whom they do not interact but who are not able to provide their citizens with basic human necessities. On the citizen level, as I have argued in section 4.2.2, as fellow citizens, we are embarking on a joint project to ensure our own and others' access to basic human necessities. In addition, we owe our fellow citizens special duties in order to fully respect the principle of equal moral worth: we ensure for each other and ourselves the ability to live as moral equals under laws, a culture, and a way of life that we contribute to making. We can prioritize our duties to our fellow citizens in this second layer of duties because a part of what it means to be treated as an equal is intricately linked to our real encounters and those with whom we live. We cannot however justifiably prioritize this goal above the provision of basic human necessities beyond our borders or above treating those who we encounter justly.

This may seem like an assault on the very idea of citizenship yet the view has the theoretical resources to preserve the special ambit of the citizen relationship as the space in which we ensure the fullness of what it is to live as equals. At a practical level, it does not shift resources completely away from this project. Consider the claims that we need only contribute 0.7 % of GNI to halve extreme poverty or that global hunger could be

eradicated if only global food distribution was restructured (see s.3.5.1). The task is large but the evidence suggests that the provision of basic human necessities to all would not substantially undermine the project of living together as equals within our states. When it comes to provision of basic human necessities, often states will be able to justifiably prioritize their own citizens or those of neighbouring states. This justification would be based on the urgency of need, the practicality of carrying out the task or where success is most likely. At this most basic level, the decision is based on how best to fulfil the duty rather than a prioritization of those within the state and those without.

7.3.2 Determining what Justice Requires

While we may agree on the duties that states have, it can be difficult to determine the best way to fulfil these duties. Consider some questions we might face today: what is the least harmful course of action in the face of terrorism?; How do we facilitate the goods of free trade while respecting states' equal agency and their need to ensure their citizens' basic human necessities?; What ought we to do to combat climate change while at the same time ensuring development for the worst off? These questions are deeply complicated for states to navigate, let alone collectives of citizens who are not (all) trained to engage with these issues. This complexity is the reality and cost of contemporary society. Citizens and states owe a commitment to follow principles of justice, but we cannot escape the difficulty of navigating the world we face, even once we have some level of theoretical clarity about what we ought to do. As we conclude, I offer two ways in which citizens may facilitate the fulfilment of their duties despite this complexity.

7.4 Two Strategies

7.4.1 Institutionalization

In the domestic case there are many ways in which we institutionalize duties that we owe to each other. For example, tax law enforces our contribution of what we determine we owe each other in welfare security and in some countries voting is made compulsory. The functioning of the state does not rely purely on citizens respecting their moral obligations to each other. These duties have been institutionalized and are enforced such that they are respected even when it does not appear to be in the individual citizens' immediate interests. One way to mitigate some of our worries about the complexity of fulfilling our outward-looking duties is to institutionalize them in this way. Laws, policies and institutions can be created to entrench these duties as a protection against the times when they no longer seem to be in our immediate interests, to more expertly navigate the complex issues, and to more effectively harness the required collective action. I have argued that it is a mistake to think that it is exclusively the state's role to mediate between its own citizens' interests and the requirements of global justice: it is, at least in part, up to citizens to balance their own demands with what might be required by global justice. With this balancing outsourced to the state, states often unfairly prioritize citizens' interests because citizens control the mechanisms of accountability in place. Institutionalizing some of our outward-looking duties is a way in which citizens can properly allocate the everyday burden of decision-making without abandoning the collective duty to hold their state accountable. If citizens participate in, or vote for, political parties that establish institutions of oversight, and institute policies that clearly outlined the conditions under which, for example, their state could make a trade agreement or enforce international security, this would go some way toward removing the need for citizens themselves to be

holding the state accountable on these issues as the political and legal mechanisms would be in place to do so.

Similarly, institutionalization at the international level will relieve the burden of these global justice duties for both citizens and states. It is in the interests of citizens as a collective to not only work toward domestic constraints on state action but also to establish international constraints to regulate state behaviour. The competitive nature of the international sphere can make such reform difficult without significant consensus. Consider the attempts of states to reform international tax regulations. As long as some states continue to offer tax havens or special exemptions to multinational corporations, the remaining states that do implement reform are then disadvantaged in a competitive market. This is seen perhaps most starkly in the textile market. Without a shared commitment among states, a developing state that enforces labour standards loses business to less regulated markets, which then harms the already precarious economy and people of the developing state. Many such institutions are already in place to facilitate international interaction: consider the UN or the WTO. Reforms to these institutions and establishment of further structures, if established with the principle of equality in negotiation in mind, are a way to assist both states and citizens to respect justice with minimal daily reflection of what this requires. In the light of multiple competing demands on our time, this offers a valuable way forward.

7.4.2 Civic Education

For some, the suggestion of a comprehensive programme of civic education rings alarm bells of indoctrination. However, most school curricula in liberal western democracies

already include some version of a citizenship or civics class. These classes range quite broadly between states and even between different regions within states. Underlying these differences is, however, a shared commitment to a democratic ethic and a desire to equip young people with the ability and motivation to participate in public life. One prominent model of civic education, inspired by Dewey, provides students with learning experiences that are similar to actual political practices in order to gain a full understanding of political life.⁵ Hence, most schools have some kind of student government or body that allows students to participate in a democratic forum on issues that affect them. These curricula are often contentious and shift according to the government of the day. I will not here engage with the extensive literature in the field of education on how best to go about cultivating a civic ethos. Here, what is important to see is that the infrastructure is largely in place to actively develop young people's understanding of the demands of citizenship.⁶ On the model presented here, this civic education should address the outward-looking aspect of public life. Simple shifts could yield meaningful outcomes. For example, when student governments propose projects or pass policies, questions should be asked about how these policies might affect other schools in the neighbourhood or district; or when examples are used to illustrate difficult issues or how one might decide how to vote, examples of foreign policy could be used.

School-based civic education has had moments of intense political attention. Yet, much civic education is found outside of the classroom. In fact much of what informs the civic ethic of citizens is not specifically intentioned to be 'civic education': for example,

⁵ For a full discussion, see Thomas Ehrlich, *Civic Responsibility and Higher Education* (Washington DC: Rowman & Littlefield Publishers, 2000).

⁶ Furthermore, the evidence suggests that this infrastructure does make a difference: civic knowledge promotes a commitment to democratic values, political participation and consistency in views. For a full discussion of this Carnegie/CIRCLE report, see William Galston, "Civic Education and Political Participation," *PSOnline*, 2004, 263–66.

political debates by politicians, discussions about legislation, advertising campaigns, TV programmes, and so on all play a role in creating a societal culture which influences how we view our role as citizens. Consider popular US TV shows: *The West Wing*, *Commander in Chief*, or *Army Wives*. All three shows present a certain image of what it is to be a good citizen, and how the US government functions and is motivated. It is this kind of civic education that is probably most pervasive and most open to distortion. One approach to re-orientating our citizenship might, therefore, be for citizens and public officials to reflect more carefully on how citizenship is characterized through these informal means and insofar as it is within the realm of free speech and association to encourage a message that includes an understanding of our outward-looking civic responsibilities.

We may hesitate to put our faith in a change of tone in our media and public life. The complexities of politics make it seem unlikely that it can make much difference. Yet, recent events illustrate just how quickly the tide of public opinion can shift. One example might be the rise of the far right in Europe, which, until recent years, had not gained much traction. In a very short period of time, many EU states have new and influential minorities opposed to immigration, multicultural policies, and EU integration. The impact of this shift is not always seen in formal politics (consider UKIP which only managed one UK parliamentary seat) but impact is seen in how political discourse overall has shifted to the right. Politicians of all stripes are addressing these concerns and are cautious to oppose this rising public opinion too radically. In another context, Pope Francis has shown that a change of tone can have far-reaching impact. His emphasis on the poor of the church, climate change and the justice of capitalism has been a decisive change in tone from a Church that in recent years appeared to be chiefly concerned with questions of personal morality. To be sure, there has not been significant institutional reform or change in

doctrine. But perhaps that is what is so remarkable. Even without substantial reform, a simple change of tone has made a significant difference in the Catholic world and beyond.⁷ This is evident not only in a more favourable public opinion of the papacy but also in what projects individuals and organizations pursue.

Although the fulfilment of citizens' individual duties can be complex, I have offered two ways in which citizens as a collective could ease this individual burden. First, citizens could facilitate both the determination of the required action and the fulfilment of it through institutionalization of the international principles of justice, both at the domestic and international level. Second, citizens could cultivate a societal culture that respected these outward-looking duties through formal and informal channels of civic education

7.5 Further Questions

As it is with all research, this thesis has not only worked toward solutions to some questions, but laid the groundwork for many more inquiries. I turn now to consider three possible areas of further questions that this thesis has prepared us for: the first, pertains to the ways in which outward-looking duties impact on citizens not residing within their home state, the second, questions surrounding our conceptual understanding of citizenship and the third, the way the arguments in this thesis may apply to semi-democratic states.

⁷ Howard Chua-Eoan and Elizabeth Dias, "Pope Francis, The People's Pope," *Time Magazine*, December 2013, <http://poy.time.com/2013/12/11/person-of-the-year-pope-francis-the-peoples-pope/>; David Gibson, "The 'Pope Francis Effect'? It Just Might Be Real," *CruxNow*, March 26, 2015, <http://www.cruxnow.com/church/2015/03/26/the-pope-francis-effect-it-just-might-be-real/>.

7.5.1 *Non-citizen Residents and Dual Citizens*

The thesis has focused on the duties that citizens (rather than residents) have to those outside of their own practice. The assumption has been that, for the most part, there is a clear division between citizens of one state and citizens of another. There is scope, however, to expand the ideas of this thesis to questions surrounding non-citizen residents. If we have a duty to ensure that our practice does not impact unjustly on those who are not a part of it, how does this apply to non-citizens residing within our state? What duties do we have to refugees, temporary immigrants, or immigrants awaiting citizenship status? In the case of refugees, perhaps answers lie in our commitment to ensure basic human necessities, and our commitment to the treaties of which our state is a signatory. More interestingly, co-operative practices such as the EU, and its resultant increase in migration, create a range of complex cases. These cases raise questions both of what citizens owe these migrants, and what these migrants owe others in light of their involvement in the practice of the state within which they reside.

At least two cases offer opportunity for further thought: (i) a citizen of an EU state who resides permanently in another EU state, and (ii) the dual citizen. In the case of the EU citizen, there is often very little incentive to change (or acquire an additional) citizenship status. EU citizens are entitled to all the benefits of citizenship in whichever state they reside: they can access healthcare, education, and benefits with the same entitlements as a citizen. In addition, they can vote in local elections. Importantly, however, they *cannot* vote in national elections in the country of residence. So while many live most of their lives in a state, they are not eligible to influence national decisions through formal political channels, unless they acquire citizenship status. Does this exclude them from responsibility for the state's acts? Or are their on-going benefits and informal channels of influence

sufficient to include them? If we do include them in the scope of collective responsibility, how does this impact on their responsibility for their home state, where they are still able to vote?

This brings us to our second case, of citizens with dual political allegiance. Increasingly, many individuals have dual citizenship, or like the EU citizen, have what could be described as dual political allegiance even if they do not formally have dual citizenship status. Ashwini Vasanthkumar introduces some of the worries that dual allegiance might bring: is it legitimate for a citizen to use their citizenship in one state in order to further an agenda of another state?⁸ An interesting case here is Commonwealth citizens residing in the UK. Their Commonwealth status grants them a vote in the national election so long as they are residing in the UK, which includes many transitory residents such as university students and individuals living and working abroad for a few years. It is possible, and likely, that many of these residents vote with their home state political allegiance in mind. One might vote, for example, for a party that supports reduced visa requirements for immigrants or more favourable aid policies *because* it is in the interests of one's home state that such a party be elected. Similarly, consider the Somali asylum seeker who cannot vote but has been resident in the UK for years and uses civil society to campaign British politicians on issues affecting Somalia. These individuals are partly participating in the practice of the state by receiving some of its benefits and shaping its policies, and are partly taking the place of those who are outside of, but affected by, the practice of the state given they cannot formally participate in decision-making yet are directly affected by government policies. To move forward we need to engage with these questions: when do immigrants become a part of the responsible collective? And until then, what duties might

⁸ Ashwini Vasanthkumar, "The Problem of Dual Political Allegiance," *The Changing Nature of Political Obligations*, 2015.

the collective have to non-citizens living within their state? Do these duties differ depending on the non-citizen's reason for migration, aspirations for citizenship, or place of origin? Should we include EU citizens in the collectives in which they reside, or is there room to consider citizen responsibility at an EU level? There is scope, therefore, for the project to expand into exploring the challenges of complex citizenries.

7.5.2 *Conceptions of Citizenship*

Another avenue of expansion lies in the theoretical implications for our conceptions of citizenship. I have set out a view of citizenship that walks the line between traditionally liberal and republican views of citizenship. This view best captures how citizens of liberal western democracies view their citizenship: as containing both an important set of rights and elements of duty toward their fellow citizens.⁹ There is an important set of questions about how the view set out in this thesis might inform our thinking about citizenship. I have suggested in section 4.2 that the globally-oriented citizenship I have presented does not collapse into global citizenship. But does it provide insight into which theory of citizenship is most plausible? Or does it inspire a new theory altogether?

Mason has laid foundations for investigating these questions with his exploration of the conceptual grounds of citizenship.¹⁰ He offers an account that draws on overlapping commitments to equal-membership and a principle of justice.¹¹ The equal-membership and justice accounts often result in a similar set of rights and duties, and so Mason argues that they complement each other to create a fuller conception of citizenship. The equal-membership account holds that 'to act as a citizen is to act in a way that is oriented

⁹ See s.4.2, and Miller, *Citizenship and National Identity*, 43.

¹⁰ Andrew Mason, "Citizenship and Justice," *Politics, Philosophy & Economics* 10, no. 3 (2010): 263–81; Mason, *Living Together as Equals: The Demands of Citizenship*.

¹¹ Mason, "Citizenship and Justice."

towards expressing or realizing the good of equal membership.’¹² On the justice account, ‘the rights of citizenship are owed as a matter of justice and the duties of citizenship are understood primarily as the means through which a person discharges the duties of justice that she owes to her fellow citizens.’¹³ This ‘justice-based account’ opens the door for the kind of global justice oriented duties of citizenship for which I have argued. Yet, as discussed in section 4.2, Mason holds that our duties of citizenship are owed exclusively to our fellow citizens. Even so, there is scope to argue that his account can accommodate outward-looking duties of citizenship. Mason, himself, in engaging with ecological citizenship views, mentions duties in *virtue* of citizenship.¹⁴ Other accounts of citizenship appear less amenable. The study of citizenship has traditionally focused almost exclusively on domestic issues: what are we entitled to? And what, then, do we owe to our fellow citizens? Our conceptions of citizenship draw on accounts of democracy, multiculturalism, equality, and identity, to name but a few. Re-orienting citizenship toward global concerns has potential to alter what conception of democracy or equality, for example, we can draw upon in forming our understanding of citizenship. Another way forward for this project would therefore be to investigate, challenge, and reshape current conceptions of citizenship in light of the view set out in this thesis.

7.5.3 *Non-democratic, Semi-democratic and Newly-democratic States*

This thesis has focused on liberal western democracies, such as the US, UK or members of the EU. This focus was important both as a way to limit the scope of the inquiry and as a way to focus on those states that are most often perpetrating injustice from positions of international power. It was also important to the arguments on citizen responsibility that

¹² Ibid., 264.

¹³ Ibid.

¹⁴ Mason, *Living Together as Equals: The Demands of Citizenship*, 199.

citizens are in a working representative relationship with their state (see s.4.3, s.5.1.1, s.5.3). Furthermore, equality of standing between states is based on their equal agency, created by the citizens that it represents (s.1.2). While this may be more inclusive than the established democracy required for citizen responsibility, it still excludes completely rogue states (such as North Korea, for example). Throughout the thesis, therefore, there are multiple questions to be asked about how these arguments may apply to states that are not liberal western democracies. There are many different cases: firstly, non-western democracies that respect the basic representative nature of democracy but do not comply with standard liberal conceptions of human rights (e.g. Indonesia); secondly, new democracies that offer democratic representation but for now, have a strong one party dominance, making accountability difficult to ensure (e.g. South Africa); thirdly, struggling democracies that cycle between democratic regimes and military regimes, where at each election it is not clear that there will be a peaceful turnover of power (e.g. Burundi); fourthly, theocratic states (e.g. Saudi Arabia), and fifthly, dictatorships (e.g. Zimbabwe).

As I have implied throughout the thesis, the less democratic a state, the less responsibility citizens will have for its acts. There are more subtle questions to be asked about the argument that citizens have a duty to ensure their state is not rogue because it legitimizes injustice to allow your state the privileged position of statehood in the international realm without holding it to account (s.5.3). We would not want to apply this mandate to the citizens of North Korea, for example, but what of China, South Africa, or Brazil? To what extent are citizens responsible for their failures to hold their state accountable, when their state does not have, or fully respect, democratic mechanisms? Often, our chief concern with non- and semi-democratic states is how they provide for and protect their own

citizens, rather than states around them. These states do, however, contribute to global injustice. Consider, for example, China's contribution to carbon emissions, or South Africa's support of the Mugabe regime. The arguments presented here can therefore offer us a foundation from which to tackle these cases. This thesis has focused on providing one way to combat global injustice. It has however also begun to lay the foundations for an international theory of justice more broadly. In order to fully achieve this, the arguments presented throughout the thesis could be applied to a larger range of state actors in the global realm.

7.6 Conclusion

This thesis set out to investigate the political channels of citizens' responsibility in light of the requirements of global justice. It questioned what states owed to each other and how citizens were implicated in the failure to fulfil these duties. It began from the status quo, a statist global environment, and along the way has offered arguments to support some of our status quo political assumptions, such as our understanding of the state as an agent or international law's treatment of states as equals. In understanding these assumptions more fully, we have gained resources to take us forward in identifying what, beginning from our status quo viewpoint, we are committed to in our relations with others. I argued that state equality, properly understood, commits us to holding states to a number of duties: a duty of non-harm, rescue, and the provision of basic human necessities. In addition, when applied to relations between states, state equality grounds a commitment to the principle of equality in negotiation. Similarly, our state-based view of citizenship, properly understood, commits us to two collective duties of accountability: to ensure our states' pursuit of our interests is within the realm of justice and to hold the state accountable to the duties it has in virtue of its place in the international realm.

The thesis then argued that citizens of liberal western democracies ought, in some cases, to be held collectively morally responsible for the acts of their state. That is, when citizens as a collective buy in to democracy, benefit from and influence state action, and are uniquely placed to hold the state accountable, the collective can be blamed for injustice perpetrated by their state. This moral responsibility will affect the moral standing of the collective and so enable us to more accurately map responsibility for grave injustices. It can ground a duty to apologize or make the collective liable to be treated with mistrust, and in extreme cases, to bear punishment. Most saliently it will ground remedial duties that, alongside citizens' duties of accountability, will shape the individual duties that citizens have to do their bit. Individuals are not to blame but may feel shared guilt in some cases. Most importantly, citizens will have individual duties to contribute toward the collective duty to hold the state accountable and to rectify the injustice for which they bear moral responsibility.

The thesis has taken us through the political channels of responsibility for global injustice. It has offered insight into where responsibility lies 'in a world of complex interdependencies, massive institutional structures, and breath-taking new technologies ... [where] we have lost any sure sense of our responsibilities toward others and their responsibilities toward us.'¹⁵ In doing so, it has not only identified areas of appropriately backward-looking blame but offered the forward-looking duties of our states and citizens so that we can begin to build a path toward a more just global order. The way forward is not straightforward. The thesis has most fundamentally offered an insight into a way we might helpfully think about our responsibility for global injustice. This provides a

¹⁵ Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*, 19.

motivation for those who do not feel appropriately responsible for the injustice in which they are complicit. Perhaps more importantly, the thesis offers insight into which political channels of responsibility open up new avenues of response to difficult—and often disillusioning—challenges. Through the collective lens, this thesis has emphasized the responsibility of citizens, but it has also offered a way to individually ‘do your bit’ to combat global injustice in a feasible and collaborative way. At its root then, the thesis offers not just a view of citizens as a collective, but an opportunity to deepen the sense in which citizens are a community. Alone, the task seems insurmountable and lonely for those who embark on it. Yet, following the political channels of responsibility together offers a way to work toward substantial international reform. To be sure, this is not all of global justice but it is, one, powerful factor that is within our power to reform.

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