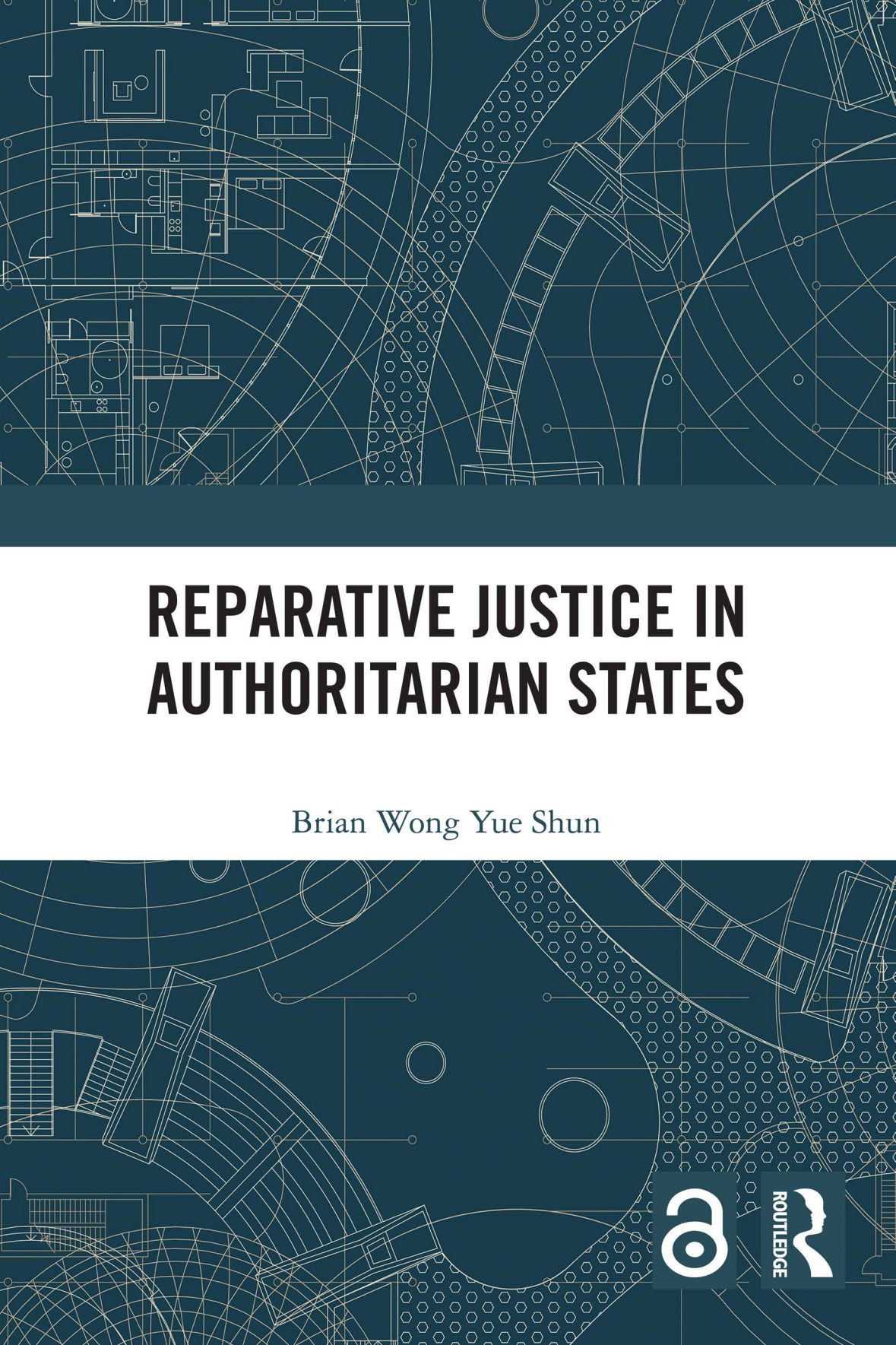


The background of the book cover is a complex, light-colored line drawing on a dark blue background. It features architectural elements such as floor plans, walls, and furniture, overlaid with a network of thin, intersecting lines that create a sense of depth and complexity. The drawing is composed of various geometric shapes, including circles, squares, and rectangles, which are interconnected by a web of lines. The overall effect is a technical, almost blueprint-like illustration that suggests themes of structure, design, and perhaps the intricate nature of the subject matter.

# REPARATIVE JUSTICE IN AUTHORITARIAN STATES

Brian Wong Yue Shun



# Reparative Justice in Authoritarian States

Wong examines the normative responsibilities of citizens in authoritarian states to address the injustices perpetrated by their governments. He challenges prevailing assumptions in political philosophy, arguing that certain citizens, by virtue of their agency and authorisation of their states, bear responsibilities to compensate, oppose, commemorate, or apologise over injustices that take place in such states.

This book explores the relationship between authoritarian regimes and the citizens who enable or endure them, offering a fresh perspective on questions of reparative justice, moral agency, and accountability in contexts where state actors fail to meet their obligations. Drawing from political philosophy, history, sociology, and international relations, it adopts a richly interdisciplinary approach for understanding citizen liability in authoritarian states. Case studies encompassing historical examples such as the Soviet Union, Indonesia under Suharto, South Korea under Park Chung-hee, through to contemporary cases such as the Iranian, Myanmar, and Russian states, bridge theory and lived experiences, illuminating the complex dynamics of justice in non-democratic contexts. The advancement of a novel General Authorisation View offers original insights that extend beyond authoritarian regimes, addressing broader implications of reparative justice for all regime types.

Posing critical questions about the evolving responsibilities of citizens in shaping just societies, this is an indispensable resource for scholars and students of political philosophy, international relations, and empirical political science as well as those interested in authoritarianism, reform in non-democratic contexts, and global justice.

**Brian Wong Yue Shun** is an HKU-100 Assistant Professor at the University of Hong Kong.



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**Brian Wong Yue Shun**



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**Routledge**  
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LONDON AND NEW YORK

First published 2026  
by Routledge  
4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge  
605 Third Avenue, New York, NY 10158

*Routledge is an imprint of the Taylor & Francis Group, an informa business*

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Funded by The Hong Kong Ethics Lab

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*British Library Cataloguing-in-Publication Data*

A catalogue record for this book is available from the British Library

ISBN: 978-1-041-04867-1 (hbk)

ISBN: 978-1-041-04868-8 (pbk)

ISBN: 978-1-003-63035-7 (ebk)

DOI: 10.4324/9781003630357

Typeset in Times New Roman  
by Apex CoVantage, LLC

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# Acknowledgements

I am incredibly indebted to the University of Hong Kong and my wonderful colleagues in the Department of Philosophy and Hong Kong Ethics Lab, who have provided me with much intellectual stimulus, food for thought, and vigorous debates over the core themes of this book.

I must also thank Daniel Butt, Zofia Stemplowska, Cécile Fabre, David Miller, and Avia Pasternak for their significant inputs – at various stages – which contributed towards the thesis precipitating this book. My peers at the Nuffield Political Theory Workshop, the Oxford Works in Progress Political Theory Seminar, and the Oxford Global Society were immensely helpful in providing feedback on various chapter drafts in the process.

I am grateful towards the editor Richard Bellamy and the anonymous reviewers at the Critical Review of International Social and Political Philosophy for their comments and suggestions on the arguments advanced in Chapters 6 and 7. I have benefited immensely from two inimitable thinkers – Hannah Arendt and Iris Marion Young – who have made unquantifiable contributions to the field of political philosophy and beyond.

To the kind leading thinkers who have opted to endorse this book, thank you. I am thrilled and honoured. Thank you to Katie Peace, Clarissa Lim, Khadijah Ebrahim, as well as the team, editorial board, and reviewers at Routledge, for the opportunity to share my work with your readership. My exceptional assistants Auhom Ahrar-Al Quazi, Ingrid Yeung, and Mohan Li have been of invaluable assistance in the research process: thank you.

The responsibility for any shortcoming or mistake to the work rests squarely with yours truly.

To all my friends who believe in the imperative for a more nuanced and empirically informed understanding of authoritarian states and their place within the world – I salute your conviction, in solidarity. May the world of political theory take more seriously the existence and ethics in states beyond the narrowly defined realm of liberal democracies.



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## **Part I**

# **Overview**



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# 1 Introduction

Democracy is not a given.

Today, 88 democracies (liberal and electoral) and 91 autocracies (electoral and closed) exist in the world, per the V-Dem Democracy Report 2025. Liberal democracies had emerged as the least common regime type, with only 29 regimes falling into the neat category. 72% of the world's population does not live in democracies. The level of democracy that the average global citizen enjoyed in 2024 – measured as a population-weighted average of democracy – was no different from that in 1985.<sup>1</sup> Definitionally, those who reside in countries governed by authoritarian governments do not get to vote in open and unfettered elections, within political systems that acknowledge and uphold their rights to *electoral* participation.<sup>2</sup>

Indeed, authoritarian *states* are frequent perpetrators of injustices towards both their own citizens and the citizens of other states.

From Myanmar under the Tatmadaw today since 1962 (with a fleeting period of democratisation between 2015 and 2021)<sup>3</sup> to Rwanda under Paul Kagame,<sup>4</sup> authoritarian regimes have proliferated and persisted in the world throughout the 20th and 21st centuries. In the three years following 24 February 2022, the Russian invasion had killed over 12,600 innocent civilians and inflicted extensive disruption to the lives of millions of Ukrainians.<sup>5</sup>

At least 6,300 civilians were killed and 2,600 wounded in Myanmar between 2021 and 2022, in the clashes between the oppressive junta and the highly fractured opposition groups and dissidents. Many of those brutally killed and callously targeted were members of the Rohingya minority – who had faced persistent exclusion and persecution from military-aligned actors in the country.<sup>6</sup> In Iran today, various opponents and critics of the current theocratic regime are imprisoned and executed for their threats to the nebulously defined “national security” of the country.<sup>7</sup>

Iran, Russia, and Myanmar are all examples of states that do not fulfil the minimal conditions for a state to be democratic.<sup>8</sup> Yet despite the ubiquity of authoritarian states, the implications of their actions have hitherto largely been excluded from rigorous scrutiny within analytic political philosophy. Such exclusion poses serious concerns and limitations for accounts designed to address questions of what, if any, costs ought to be taken up in relation to state-perpetrated injustices.

To focus on redressing injustices in democratic states only is certainly a valuable exercise. Yet doing so would preclude us from answering a separate question:

DOI: 10.4324/9781003630357-2

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#### 4 *Reparative Justice in Authoritarian States*

what of injustices perpetrated by non-democracies, including states that we could describe as non-democratic, authoritarian, or even totalitarian?

We should turn to normative political theory to guide us in making sense of and responding to transgressions and violations of what we take to be core moral and political commitments. Yet the sparse existing accounts tend to downplay and ignore the moral agency and richness of experiences of the hundreds of millions of individuals residing in authoritarian states. It would be a mistake to view citizens in authoritarian states as universally and monolithically passive victims, deprived of effective capability and resources in bringing about change in their communities. Whilst some may be intimately and directly connected with state-perpetrated injustices, as accomplices or fellow perpetrators, others are far more removed from the injustices, with little to no understanding of what is at stake. Still, many more, as we shall see, find themselves distinctly related to their governments in ways that should give rise to additional responsibilities.

What we are missing today is an account that can sufficiently and justifiably establish the grounds for agents' responsibilities in authoritarian states in relation to state-perpetrated injustices. Of course, the developed theory could also be applied to democratic contexts. Yet given the existing theoretical lacuna, it behoves us to home in on the authoritarian context as a particular point of interest. Few reasons would prevent accounts developed for authoritarian contexts from being applied to democratic ones, but the converse does not hold true: most accounts conventionally applicable to democracies do not suffice in explaining reparative justice in authoritarian states. The authoritarian context thus poses an emphatically powerful "test case" for reparative justice – it should be taken most seriously.

#### **Key Definitions**

A few key definitions are needed before we proceed. Sociologist Max Weber emphasises the importance of the state being the "only human *Gemeinschaft* [community and society] which lays claim to the monopoly on the legitimate use of physical force". Accordingly, the *state* refers to the "centralized institutions that impose rules, and back them up by force, over a territorially circumscribed population [with] a distinction between the rulers and the ruled".<sup>9</sup> The state is taken to be the default unit of analysis in international political theory. The political institutions that are stably and consistently maintained over time over a particular territory collectively comprise the *state*, whilst the *government* serves as the default representative agent on behalf of the state – it bears the mandate of setting the laws and enforcing the order within the designated territory over which it is sovereign.

Whilst the *nation* refers to what Benedict Anderson terms an "imagined community", rooted in a shared political identity or historical-cultural legacy, the nation conceptually does not come with the territorial authorisation, the overuse of force uniquely wielded by the *state*.<sup>10</sup> Throughout this book, our default point of reference would be the authoritarian *state*. The same state could be governed by numerous different *regimes* over time. The *regime* refers to a particular arrangement of individual or collective agents sharing broadly similar norms of succession,

selection, and decision-making, serving as the agents wielding the primary monopoly of force. We will refer to a specific constellation of governmental leaders over an authoritarian state – for example, the Tatmadaw rule in Myanmar – as a regime. For example, the contemporary Russian government governs the *state* of the Russian Federation, which comprises a plurality of *nations* (mapping onto the variety of national republics that are federal subjects),<sup>11</sup> whereas the Russian leaderships under Boris Yeltsin and Vladimir Putin constitute *different regimes*.

*Injustices* comprise clear deviations from a morally acceptable state-of-affairs – for example, severe rights infringement, extensive deprivation of human interests, or the imposition of fundamentally unjustified hierarchies and relations of exploitation. The fundamental key feature that differentiates an injustice from a misfortune (e.g. an earthquake that kills thousands of citizens) is the fact that there must be some element of minimally autonomous *action or non-action* involved on the part of *some moral agent*. There can be no injustice without the involvement of an actor acting with at least a degree of autonomous control over their own actions – even if they are wholly unaware of the unjust effects of their actions.

There may be no one who is *blameworthy* for the occurrence of injustice in general – this is because blame is only applicable upon the satisfaction of further criteria concerning moral responsibility – to be specified shortly. Yet the blamelessness of an agent for a particular injustice does not, as we shall shortly see, rule the injustice out from being an episode of what Iris Marion Young terms *structural injustices*, which give rise to blame-less, *forward-looking* responsibilities centred around mitigating present and future injustice, as opposed to rectifying past wrongdoing.<sup>12</sup>

This book is concerned primarily with the question of how injustices should be redressed at present and in the future, as encompassed by the term *reparative justice*, in authoritarian contexts. The process of such redress can in turn be disaggregated into numerous components, including *repairing* identifiable victims for demonstrable losses, both material and non-material; *rectifying* the impersonal effects of such injustices; and *commemorating* the wrongfulness of these injustices.<sup>13</sup> I take *reparations* (plural) to refer to specific payments undertaken with the intention to repair, whilst *reparation* (singular) denotes the holistic process by which reparative justice is accomplished.

For someone to *repair* another is for the former “[to] make good another [the latter]’s harm on the ground of [their] responsibility for it”.<sup>14</sup> This requires the perpetrator of a wrongdoing to render his victim as well-off as they would have been had it not been for the act of wrongdoing in question. More generally, rectification of the effects of injustices can take the form of neutralising the outcomes of their present and past occurrences, as well as committing to preventing future recurrences. Commemoration requires a public, sincere acknowledgement of the wrongfulness of these injustices, and may also demand an open avowal to prevention.

When we describe certain injustices as *state-perpetrated*, we are generally referring to injustices that are undertaken by their governmental apparatus, *qua* representatives of their states, not in the capacity as individual politicians or bureaucrats (e.g. embezzling funds and siphoning them off for their own mansion).

Governmental actors – legitimate or otherwise – are tasked with the nominal task of *representing* the state as a whole. In pre-emption of the objection that such an attribution of “governing” to authoritarian officials is inappropriate, given the dearth of democratic appointment and removal procedures, I will address the viability and reasons for which such a description remains fitting, throughout this book – especially in Chapters 6, 7, and 8.

Victims of state-perpetrated injustices should be compensated, the effects of these wrongdoings rectified, and the fact that such injustices occurred acknowledged through commemoration and apology. Indeed, financial and monetary repayments, property restitution, apology, and commemoration by perpetrators of injustices to victims would go some way in redressing the initial wrongs, even if complete redress may not be feasible. Reparation, rectification, commemoration-acknowledgement, and institutional reform are all aspects of *reparative justice* that we shall duly consider in Chapter 8.<sup>15</sup>

### Why Care About Authoritarian States?

What makes a *state* authoritarian? There are three jointly necessary and sufficient conditions required for a state to count as authoritarian:

Firstly, the state must fundamentally be *anti-pluralist* – there is little to no political heterogeneity within the legislature and executive branches. “Elections”, should they even occur, often feature prohibitive barriers to contestation and entry (i). Secondly, the state restricts a significant majority of its population’s access to *core civil and political liberties*, including freedoms of suffrage, association, speech, and protest (ii). Thirdly, the state’s *unchecked executive* is not constrained by alternative sources of power, such as the legislature and the judiciary. The executive possesses a wide range of powers, including ultimate control over the appointment and dismissal of the parliament and the courts (iii).<sup>16</sup>

Authoritarian states often commit heinous injustices against their own or external populations. Consider wars of aggression, such as the Russian invasion of Ukraine in February 2022<sup>17</sup> or the Nazi invasion of Poland and the Holocaust during World War II; the persecution of anti-imperialist dissidents by Latin American dictatorships during the US-authorised *Operation Condor* in the Cold War;<sup>18</sup> or the implementation of actively discriminatory and oppressive domestic policies against minorities, such as the Apartheid South African regime’s attitudes towards the black population in the country.<sup>19</sup>

Governmental actors, ranging from senior statesmen to regional politicians, from the army to members of the intelligence apparatus, are often the primary perpetrators of such heinous harms. These injustices have real, lasting, and deeply perverse effects. Deaths, injuries, and casualties from international conflicts and civil strife are ubiquitous. Systemic and widespread property damage, psychological trauma and wealth dissipation, and denigration and undermining of the very sense of dignity and respect to which every citizen should be entitled: these are all detriments that should give rise to expansive *reparative* responsibilities.

Within the context of state-perpetrated injustices, international law tends to hold states responsible as *corporate agents*, treated as independent actors *separable* from their individual constituents.<sup>20</sup> Such responsibilities are, in turn, usually attributed to the actions of and borne by public officials with the executive mandate over their state.<sup>21</sup> Indeed, international law does so without discerning between whether the state in question is democratic or non-democratic, and applies to both present, such as Russia, or former authoritarian states, such as Argentina and Chile.<sup>22</sup> The governments of states can be required to pay financial reparations for their wrongdoings.<sup>23</sup> Such required reparations often percolate through to the citizens residing in these states, who must shoulder the ensuing financial and economic costs.

Yet it is often the individual citizens within these states who must invariably come to bear the bulk of the costs of reparation. Whether it be through the imposition of additional taxes, reallocation of resources towards compensation, or the other opportunity costs caused by the processes of reparative justice, citizens are inevitably tasked with shouldering portions of the costs of the state reparative process.<sup>24</sup> The question we must thus ask is, can such cost allocation be at all justified? Is it defensible that the tax-paying citizens of authoritarian states are thus required to bear the costs of compensation? As Jubb puts it, “when, if ever, do . . . citizens bear a particular responsibility for [their political order’s] wrong?”, such that they should bear the costs arising from their state’s repairing such wrongs? Is there ever a case for distributing the burdens of repairing evenly amongst all citizens of the state?<sup>25</sup> These concerns amount to the *Distributive Challenge*, which any sound theory must answer – to the affirmative or negative.

As it turns out, the costs for repairing these injustices may not be taken up by the governments or the actors who are most directly responsible for their occurrence. For one, the Soviet Union never formally apologised to or compensated the millions who died in detention in the *gulag*, even as its leadership began to progressively relax its political and economic restrictions throughout the late 1980s.<sup>26</sup> The heinous crimes of Unit 731, the biological and chemical warfare and development unit of the Imperial Japanese Army, were only formally acknowledged by the Japanese state 57 years after the end of the war, when the Tokyo District Court ruled that “Japan waged germ warfare in China during World War II and caused harm to residents” – and even then, it refused to accept a claim by Chinese plaintiffs suing for compensation over the atrocities.<sup>27</sup>

As noted by Avia Pasternak,<sup>28</sup> the downstream consequences of injustices may not necessarily be rectified promptly by the state – for one, responsible actors within the state may opt to shirk responsibility, deny involvement, or pass the costs of rectifying such injustices onto other individuals. Yet such wrongdoings clearly require redress – the victims do not vanish, their suffering does not dissipate, merely because of the inertia and indifference of the implicated authoritarian states. It is therefore crucial that we come up with a viable alternative, which can come to the rescue when political reality renders compensation by governmental actors, and/or whoever else is identified under simpler and more straightforward theories of reparative justice, very unlikely. This second question thus comprises the *Slack Challenge*.

Most contemporary accounts of responsibilities for *state-perpetrated injustices* in analytic political philosophy have tended to focus on liberal, robust democracies, with but a few exceptions (notably Robert Jubb<sup>29</sup> and Pasternak<sup>30</sup>). Such exclusivity is at times *explicit* and at other times *implied*, with some arguing that actions undertaken by governments in authoritarian states should be traced to the few key decision-makers wielding critical influence, and hence require less intricate dissection.<sup>31</sup> The most potent and convincing attempt to expand the scope of discussion to authoritarian contexts in recent years is Pasternak's *Intentional Citizenship Account*, but it, too, has certain apparent limits.<sup>32</sup>

Both the *Distributive* and *Slack Challenges* are fundamentally manifestations of the primary question we seek to answer: what *best* justifies the existence and limits of the responsibilities on the part of citizens in authoritarian states to take up the responsibilities to repair injustices arising from state-perpetrated actions? If we can address and resolve this question, then we can easily come to appreciate how the burden of redress (not limited to purely financial compensation, but also communal restoration, commemoration and apology) should be divided amongst citizens.

### Core Argument

The term “responsibility” is conceptually murky. Some may take it to denote (I) *moral responsibility*, arising from acts for which individuals are *blameworthy*. For example, the intentional murderer is blameworthy for the act of murder, and *thus* liable for repairing the costs of the murder inflicted upon the victim and his significant others.<sup>33</sup> Others may view it as denoting (II) *task responsibility*, where individuals would have strong, binding reasons to undertake tasks that ensure the obtaining of morally desirable outcomes – for example, providing relief to individuals in distress, assisting those left destitute after misfortunes and injustices, which are not, nevertheless, rooted necessarily in any act for which the individual is blameworthy.<sup>34</sup>

Advocates of the structural injustice-centric account, such as Young, would champion the view of (III) *political responsibility*, a specific form of forward-looking responsibility for us to orient ourselves towards the amelioration of structural injustices through collective and political action.<sup>35</sup> Finally, we could also take “responsibility” as denoting the (IV) *general default duty* possessed by individuals in virtue of their general moral agency as human beings, for example, to not harm innocent others. The hope in this book is to uncover kinds of responsibilities that go above and beyond (IV). We should remain open-minded as to the particular *type* of responsibilities that we are seeking to prescribe and recognise – and that (I), (II), (III) are all potentially relevant candidates of responsibilities in the account we are seeking here.

Whilst the terms “responsibility” and “liability” are often conflated – especially in reference to *moral responsibility*, which is dubbed by a number of theorists as mapping onto a *liability* view of responsibility<sup>36</sup> – I take the former to refer to the existence of *normatively binding* reasons for an individual agent to X, where X denotes an act, orientation, or disposition, whilst the latter refers to the expectation

that the agent should bear certain costs on the grounds of Y. For example, an individual may be liable to pay for damages over an act for which he is morally responsible; an individual's responsibilities to redress general injustices, in which he is causally uninvolved, may give rise to liabilities to take on select costs, in order to offset the effects of said injustices.

Given this, this book makes two central claims. The first is that existing accounts of reparative justice set in democratic contexts can give rise to derived variants that could be effectively applied to a select number of authoritarian contexts. We will be considering two broad swathes of approaches, which respectively distribute *reparative responsibilities* to individuals who possess clearly definable and thus direct relationships with these state-perpetrated injustices, as well as those who are connected with their own states in ways that give rise to indirect responsibilities. In applying many of these accounts to authoritarian contexts, we shall see that whilst they are internally coherent, there are apparent shortcomings preventing them from being externally applicable to authoritarian states. A new account filling the remaining gap is clearly needed.

The second contribution in this book is that citizens should bear reparative responsibilities for the *effects* of state-perpetrated injustices if they have *authorised* their states over the *acts* in question. Authorisation tracks the citizen–state relationship vis-à-vis the unjust act, whilst reparation pertains to the effects of the act. The authorisation of a state refers to a particular relation between an individual and their state, wherein the former grants the latter the right to act on behalf of and represent their interests. Authorisation is a sufficient but not necessary condition for citizens to accrue responsibilities to repair the *effects* of injustices that they authorise. These responsibilities would bind them to certain commitments and concrete reparative actions, though acting pragmatically, as individuals or as parts of a collective, in bringing about the necessary transformation to governmental structures and social norms.

There could be multiple pathways to authorisation. What constitutes a relevant source of authorisation in democratic states may not be as relevant in authoritarian states, where alternative accounts of authorisation may be more contextually suitable and hence warranted. The precise form in which such authorisation takes place will shift and vary contextually – this is a theoretical virtue, not a vice, of the account. We shall address this in more detail in Chapters 5–7.

Citizens who authorise their states through at least one of two distinctive means – the objective and subjective – will be shown to be reparatively responsible, and hence liable to some of the costs and action required for state-perpetrated injustices to be redressed appropriately. In delving deeper into the authoritarian context, my nascent *Comprehensive Authorisation Model* (CAM) focuses on a particular subset of authoritarian states that (i) *do not* practise extensive surveillance, coercion, and violence (e.g. murder or grievous bodily harm) against a *significant plurality of its citizens*,<sup>37</sup> (ii) *are not in complete control* of all information sources (e.g. social and mainstream media), and (iii) enjoy at least a *moderate degree of genuine popular support*. Countries satisfying these criteria will be termed *minimally decent authoritarian states* (henceforth MDAS). It is much less likely, albeit not impossible, that the proposed account's rationale applies to authoritarian states

that are not MDAS – such as North Korea under Kim Jong-un<sup>38</sup> or the Khmer Rouge in Cambodia.<sup>39</sup>

There are clearly numerous frameworks that can account for responsibilities under both non-authoritarian and authoritarian conditions. My authorisation-based view is but one amongst many that can be applied to citizens and governments of authoritarian states, and that applies particularly well to MDAS. It is not the sole solution – but it is distinct from and, at various points, superior to the other surveyed accounts. Whilst the CAM may be applied to democracies, too, we shall focus primarily on the subset of MDAS for the bulk of this book.

The CAM allows us to, firstly, *evaluate and appraise* more accurately the individuals in states who are liable to repair state-perpetrated injustices, and secondly, *prescribe appropriately* the course of action that should be taken, if any, by these individuals. Indeed, this account will also provide us with a coherent framework for devising the practical solutions through which such positive changes could occur.

A final note should be offered on the extent of responsibility that individuals bear, which elucidates clearly what we mean by “more” or “less” responsible. In lieu of adopting a cardinal method in quantifying “doing more”, which seems to futilely quantify and precisely measure individuals’ reparative efforts, I propose that we should embrace an ordinal method in parcelling reparative responsibilities – that is, if X is *more reparatively responsible* than Y, then X must both seek to accomplish more in reparative action and be liable to a higher level of costs, *ceteris paribus*, than Y.<sup>40</sup> The costs imposed upon individual agents are thus *proportionate* to their degree of (blame-less) responsibility. There may also be other implications following on from such a comparative conception of responsibility – which we shall come to see shortly.

### Three Key Desiderata

How do we know if we have developed a workable and sound theory of reparative justice for authoritarian states? Any reasonable account of *reparative justice in authoritarian states* (henceforth RJAS) must fulfil the three desiderata of *descriptive accuracy*, *explanatory precision*, and *practical efficacy*:

#### 1. *Descriptive Accuracy*

This criterion requires the ideal theory to identify *accurately* individuals who should be held responsible for redressing the injustices. There are two competing considerations here that the theory must reflect. The first concerns the scope of application (*generality*) of the theory<sup>41</sup> – that is, the extent to which the theory canvasses and applies to a large (enough) crowd such that it is not merely trivial and can, in fact, be employed to identify actual actors who are responsible. Underlying this stipulation is the thought that the theory in question should be as *general* as possible in the scope it covers, to capture, to the *fullest extent*, all responsible agents. As will be later discussed, instances where agents who *should be responsible* are not deemed responsible comprise cases of *undershooting* by the theory.

On the other hand, the theory must also refrain from holding *non-responsible agents* responsible – this is particularly important if it is to avoid being unjustified in virtue of demanding unduly from non-responsible actors. An account of reparative justice only holds if it is not – itself – complicit in perpetrating the further injustice of wrongly holding responsible innocent individuals. Instances where agents who *should not be responsible* are deemed responsible constitute cases of *overshooting* by the theory.

The ideal account of reparative justice should ideally minimise the sizes of *both subsets* of overshooting and undershooting. Between the two, undershooting is notably less of a problem than overshooting – after all, it is unlikely that on its own, any theory of reparative justice is capable of exhaustively identifying all there are as agents who are responsible. In considering whether the identification of responsible actors is sufficiently expansive, we should employ a range of tools in enabling us to determine the answers to the question at hand – including, but not limited to, whether the description is compatible with other, *prima facie* moral reasoning, as well as our considered intuitions concerning reparative responsibility. Through careful calibration and back-and-forth evaluation of such intuitions against more established, prior moral judgements independent of the theory advanced, we shall arrive at a broad reflective equilibrium.<sup>42</sup>

## 2. Explanatory Precision

The ideal RJAS must explain not just whom should be held responsible, but also the precise reasons for which they are to be held responsible for repairing for and addressing injustices in the past, present, and future. A reasonably strong explanation should be able to correctly answer two questions:

- a) *Can the account provide an accurate description of the grounds on which individuals are held responsible? (Justification Condition)*

The *Justification Condition* requires the ideal theory to provide a competent rationale for holding individuals responsible. The theory should be of an adequate argumentative quality: it cannot rely upon false premises or erroneous normative assumptions.

Additionally, the theory must provide *specific* justification that engages explicitly with explaining *why* the injustice in question merits redress, *why* the identified actor ought to repair for it, and *why* this responsibility does not apply to individuals who fall beyond the identified scope of responsible agents. If we are to assign blame to individuals, we must ensure that the account we employ, in fact, supports holding them blameworthy, as opposed to responsible in a blame-less manner. Similarly, the grounds on which we hold individuals responsible in a blame-less sense cannot be ones that, in fact, support exclusively their being held blameworthy.

The justification for responsibility cannot lie in generic features that apply across all living, sentient moral agents. For one, it is theoretically possible to construct a theory of mitigation of injustice out of *duties to do no harm, or to prevent harm*

alone – yet doing so would be beside the point of our enterprise; we are searching for accounts that can explain why *some individuals*, not all moral agents, should come to commit to and undertake *reparative justice*. The grounds for responsibility assignment must specifically map onto the subset identified – no more, no less. These accounts must be sufficiently *distinct* from generic accounts if they are to supply genuine theoretical value.

b) *Are there reasonably justified limits to the responsibilities borne by individuals? (Limit Condition)*

The second condition constitutes the *Limit Condition*. We have outlined the need for the theory to be normatively weighty in its urgency and ability to bind individuals' actions. When it comes to delineating the appropriate limits to the responsibilities borne by individuals, the ideal RJAS must be particularly clear concerning the scope of actions for which it would be reasonable to anticipate individual agents to undertake. The claim that X is reparatively responsible should not be a blank cheque that lends external parties the right to make unlimited demands of the time, resources, and commitments of these individuals.

As a corollary, it should be the case that the individual is not asked too much of, for that would render the theory over-demanding. This does not mean that our theory should default to prescribing inaction whenever some costs for individuals arise – there are apparent instances where individuals should be expected to take the toll when bound by particularly pressing duties.

Consider, for instance, a thief living in abject poverty, who must nevertheless return portions of wealth he has stolen, to a non-consenting yet wealthy victim of his theft. He must restore the victim with what rightfully belongs to them, even if doing so would render them, an already poor individual, worse-off. There are certain cases when apparent individual costs cannot outweigh the urgency and necessity of reparative justice.

Yet where significant costs are incurred by individuals in discharging their responsibilities, the theory must provide sufficient justification for why such a level of burden is to be imposed upon these individuals and is therefore not egregious, or grant – with flexibility – the leeway for the individuals to be exempted from the costs in question.

### 3. *Praxis*

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

a) *Adequate Resolution*

An ideal RJAS must enable us to sufficiently distribute the responsibilities in relation to the outstanding costs left over from the injustice. Injustices leave in their

wake victims, disruptions to an ideal state-of-affairs, as well as more general negative distortions to states-of-affairs that require redress and/or mitigation. As noted by Pasternak,<sup>43</sup> in practice, such deleterious consequences may not necessarily be rectified promptly or adequately by the state – for one, responsible actors within the state may opt to shirk responsibility, deny involvement, or pass the costs of rectifying such injustices onto other individuals.

Yet such wrongdoings still require our response – the victims do not go away, their suffering does not disappear, merely because of the inaction and inertia that afflict many contemporary authoritarian states. Even when government officials refuse to take up their responsibilities, other actors should step in – and we would need a dynamic range of explanations and justifications to explain the relevant stakes at hand. It is therefore crucial that we can come up with a *theory-of-the-second-best*, which can come to our rescue when political reality renders highly unlikely reparative action by state actors, and/or whoever else is identified under simpler and more straightforward theories of reparative justice.

#### b) *Practical Feasibility*

The second criterion is that the theory we advance should yield prescriptions that are at least broadly practically feasible. I take Pablo Gilabert and Holly Lawford-Smith's archetypal conception of feasibility as a starting point: feasibility can be to do with (a) mere possibility (can the desired state-of-affairs be reached at all), and (b) the probability of such a state being reached (how probable, given an attempt at it). Hard constraints rule out the metaphysical possibility of a particular act per both (a) and (b); soft constraints, on the other hand, merely drastically reduce the probabilities of such a state being reached.<sup>44</sup>

To be clear, theories that yield prescriptions in violation of both soft and hard constraints can still be somewhat valuable. There is no fundamental issue with theories that are purely interpretive (or aspirational in nature), or that engage in ideal theory whose prescriptions cannot be implemented given political constraints, limitations to compliance, and other bare sociopolitical facts. Theories of justice can, at least in theory, be utopian or purely interpretive in nature. For one, David Estlund offers a lucid and eloquent defence of why understanding the ideal form and terms of justice is intrinsically valuable – independent of grappling directly with feasibility constraints.<sup>45</sup>

However, in the context of seeking an apt theory of reparative justice for *authoritarian states* – where injustices are ubiquitous, and where responsibilities to redress wrongdoings are not always taken up – we are in search of a theory that can be pragmatically realistic in offering suggestions that can, in fact, be implemented. In short, we need forward-looking recommendations that can then generate action-based prescriptions. If we are to avoid producing political philosophy that is purely “lamentation”, per David Miller's warning,<sup>46</sup> then we need to theorise in a way that is sensitive to real-life constraints on how individuals can act and do behave in politics.

## Book Outline

The rest of the book proceeds as follows. Chapter 2 delves into a robust exposition and exploration of features of the authoritarian state. What has sorely been missing in existing discussions is an acknowledgement of the extent of variations amongst different types of authoritarian states, as well as an exploration of how such variations matter when it comes to the responsibilities of those living under them. Besides developing an archetype for MDAS, I also set out the relevant facts of the primary case studies cited throughout the book.

In Part II, I critically examine two large approaches to identifying and assigning citizen responsibilities for state-perpetrated actions. These models appeal to a range of grounds. Chapter 3 examines what I term a “direct distribution of responsibilities”, which comprises four key variants: the perpetrator *liability*, the citizen-exclusive state-centric, the negligence and culpable inaction, and the beneficiary pays accounts. Chapter 4 looks at accounts of indirect distribution of responsibilities, rooted in complicity, political responsibility towards structural injustice, and intentional citizenship. Both clusters of accounts have largely hitherto been applied explicitly to democracies, though I make the case that with appropriate revisions and amendments, they can also be applied to authoritarian contexts. With that said, we shall also come to see key deficiencies in the post-revision accounts. An alternative account is hence needed to complement both direct and indirect approaches – to ensure that the responsibility “buck” does not stop at merely the individuals or collectives they hold responsible.

In Part III, we proceed to the positive account advanced by this book. Chapter 5 introduces the concept and accounts of citizen responsibilities rooted in authorisation. It aims to demonstrate that authorisation, as compared with the above grounds, provides an independent and at times more promising basis for grounding citizens’ reparative responsibilities in authoritarian states. Through contrasting and rejecting two key accounts of authorisation-centric accounts of citizen responsibilities, we consider the theoretical foundations of the CAM that will be subsequently defended at length in Chapters 6 and 7. Chapters 6 and 7 shall refine and articulate more substantiated versions of both the objective and subjective strands of this model, prior to applying the arguments to MDAS.

In Part IV, we turn towards the pragmatic implications of the advanced model, exploring in full how responsibilities should be discharged by individual citizens and collectives within authoritarian societies. In Chapter 8, I establish that reparative responsibilities arising from authorisation are best conceived of as *non-blame-centric* – that is, they do not come attached with moral judgements or reactive attitudes of resentment. This chapter aims to provide the empirical justification for the conclusion that gradualist, piecemeal reforms with high probabilities of success should be prioritised over radical, structural changes in authoritarian states, and that change best comes through individual citizens drawing upon their own and collective resources in covertly opposing and preventing state-perpetrated injustices, compensating victims of past injustices, as well as commemorating and apologising for the past wrongdoings of the state.

In concluding, Chapter 9 explores concretely the question of what those residing within and outside authoritarian states should do in relation to the authoritarian contexts at hand. Despite the copious volume of works that have sought to explore the permissibility, even obligations, of international states and associations to act through punitive measures targetting authoritarian states, such as sanctions<sup>47</sup> or the prosecution of war, relatively little has been said on how *reparative justice* fits into the picture. On the part of external actors, neither complete disengagement nor military intervention in authoritarian states would best serve the reparative agenda. The focus should instead be placed upon empowering pro-pragmatic reform actors on the local level – whether they be politicians, citizens, activists, or businesspersons – to bring about gradual yet important reparative breakthroughs in authoritarian states.

## Notes

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- 12 Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).
- 13 See Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021), pp. 27–28 and Bennet Francis, "Citizenship as Strict Liability: A Review of Avia Pasternak's *Responsible Citizens, Irresponsible States*," *Ethics and Global Politics*, 15, no. 4 (2022).
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## 2 Demystifying Authoritarianism

At the height of the Cold War in the 20th century, contemporary analytic political philosophers gravitated palpably towards situating theories and analysis of justice in what theorist John Rawls terms *well-ordered societies*, societies that are “designed to advance the good of its members and effectively regulated by a public conception of justice”. In such societies, “everyone accepts and knows that the others accept the same principles of justice, and the basic social institutions satisfy and are known to satisfy these principles”.<sup>1</sup> Whilst not necessarily robust liberal democracies, the loose conception of these societies was largely compatible with the Western bloc’s approach to governance, in turn intertwined deeply with the prevailing ideals of post-war liberalism and state-driven egalitarianism in the Anglo-American sphere.<sup>2</sup> Within these well-ordered societies, Rawls was especially keen on devising principles of justice fit for incorporation and application in view of the “overlapping consensus” of plural ideals, principles, and values, as acknowledged in *Political Liberalism*.<sup>3</sup>

Joining the ranks of Rawls on a quest to primarily theorise about questions of justice and injustice within well-ordered contexts were thinkers such as Robert Nozick (focusing on what he termed an “entitlement theory of justice”), Susan Okin (focusing on the failure of contemporary theories of justice to take seriously the centrality of gender and family relations to justice), and Jürgen Habermas (focusing on the public sphere and deliberative democracy of the century).<sup>4</sup> Most of these thinkers saw themselves as either theorising about justice in democratic contexts or centring implicitly their work around societies where political structures are effectively and stably maintained – even if not democratic.

Amongst theorists who rose to prominence in the final third of the 20th century, Michael Walzer was a somewhat notable exception in his explicitly engaging non-democratic contexts. In *Spheres of Justice: A Defense of Pluralism and Equality*, he advanced a form of “radical particularism”,<sup>5</sup> a view of justice that was founded upon a culture’s own communally shared and locally rooted conception, whilst retaining a fundamental commitment to democratic ideals on a global scale.<sup>6</sup> He acknowledged explicitly not only the existence and ubiquity of non-democratic states throughout the world but also the ethical quandaries faced by democracies dealing with authoritarian states. He later concluded that

whilst countries “can never rightly use force to create a democratic regime in someone else’s country”, they can and should engage in “diplomacy . . . [or] . . . ideological argument” and “protesting and perhaps restraining the worst abuses of nondemocratic, authoritarian regimes”.<sup>7</sup>

With the collapse of the Soviet Union and the economic rise and persistence of authoritarian states such as modern China,<sup>8</sup> Turkey,<sup>9</sup> Rwanda,<sup>10</sup> and Ethiopia,<sup>11</sup> empirical research on authoritarian states has blossomed. Yet authoritarian states remain palpably missing in the works of more normatively oriented political theorists and philosophers. A select few have sought to defend particular versions of authoritarian governance as preferable to democratic rule, citing reasons ranging from meritocracy to efficiency.<sup>12</sup> Others have primarily focused on questions of transitional justice – how previously dictatorial states have transitioned into democratic ones and must grapple with their historically entrenched moral legacy.<sup>13</sup>

A thinker who had exceptional insights to offer on individual responsibilities under authoritarianism (and totalitarianism) was Hannah Arendt, who is known for seminal works such as *The Origins of Totalitarianism* and *Eichmann in Jerusalem*, offering profoundly riveting, and no less contentious, insights into the banality and ubiquity of evil during the Holocaust.<sup>14</sup> Another prominent writer, working in the Continental tradition, was Karl Jaspers, whose 1947 *The Question of German Guilt* proved to be an enduring classic for those who wanted to understand and uncover the complex ethical quagmires and moral aberrations of the Holocaust in greater, more nuanced detail.

Yet on redressing injustices perpetrated by authoritarian states – especially ones that are less oppressive and more innocuous – analytic philosophy appears to have little to offer specifically. Most ideal theoretical analytic accounts of justice have treated authoritarian states as falling well short of their minimal requirements concerning *compliance*, where “all relevant agents comply with the demands of justice applying to them”, and *favourable conditions*, where “the society is sufficiently economically and socially developed to realize justice”.<sup>15</sup> That is, ideal theory has limited room or appetite for authoritarian contexts. Indeed, even non-ideal theoretical accounts in the analytic tradition have often failed to capture and reflect the unique nature of political and institutional arrangements in authoritarian states.<sup>16</sup> Those who are seeking robust answers from analytic philosophy concerning what ought to be done in the face of state-perpetrated injustices, then, are likely to find themselves disappointed.

This lacuna does not have to be. There exist ample resources in analytic political philosophy to allow for coherent and nuanced accounts of responsibilities for justice in authoritarian states. To undertake this enquiry, however, we must first understand what authoritarian states *are*.

### Defining Authoritarian States – Conceptual Fundamentals

What makes a state authoritarian? Drawing upon a multitude of existing accounts, and most prominently Juan Linz’s authoritative writings on the subject matter,

I suggest the following core tripartite definition. A state is authoritarian if and only if it is:

- 1) *Anti-pluralist*. The state features very limited to no political pluralism, that is, the ability for a representative range of interest groups to formally influence the decision-making of the state. The legislative and executive are aligned and homogeneous, with extremely prohibitive barriers to electoral contestation as candidates;<sup>17</sup>
- 2) *Anti-liberal*. The governmental apparatus restricts a significant majority of their population's access to core political liberties, including freedoms of suffrage, association, speech, and protest;<sup>18</sup> and
- 3) *In possession of an executive with unchecked powers*. The governmental executive is neither constrained nor balanced against by alternative, independent sources of power, such as the legislature and the judiciary. The executive possesses wide-ranging and extensive powers, including the ultimate control over the appointment and dismissal of the parliament and the courts.<sup>19</sup>

These three features are jointly necessary for a state to qualify, as a whole, as authoritarian.

### *Anti-Pluralism*

The first distinguishing feature of authoritarian states is their *anti-pluralism*. Here, political pluralism refers to the diversity of institutionally represented interests and voices within the state – and is exemplified by at least three critical indicators: the level of contestation in the legislature, the extent to which citizens are *effectively* enfranchised in relation to legislative elections, and the degree to which the executive is formed on the basis of either open elections or fair parliamentary appointment procedures. Not all three must be present in order for the state to be anti-pluralist – though empirically, they are strongly correlated with anti-pluralism.

Notably, executives of authoritarian states are neither determined through open, free, and contested direct elections nor appointed by a freely elected parliament. Such states possess executives whose survival and proceedings are contingent upon not the masses' electoral vote, but the indirect support of the crowd (via popular, albeit non-electorally enshrined, support) or the backing of select interest groups (e.g. the military, the clergy, wealthy businessmen, and ideological loyalists) or a combination of these forces.<sup>20</sup> In the latter instances, these interest groups' role, as the selectorate of the authoritarian state, also grants them disproportionately more power than the average citizen to overrule or partially influence the incumbent government.<sup>21</sup>

There may be other pathways through which citizens in authoritarian states can influence their governments and their decision-making, but this would not be conducted through regular and institutionally enshrined elections, in ways that would predictably alter the composition and identity of the ruling executive.

If they are to take place at all, legislative elections would have stringent barriers that preclude effective participation as candidates. Opposition candidates face significant intimidation, threats, and sanctions in relation to their opposing the state in power. These heavily controlled elections also often preclude significant swathes of the public from voting to remove incumbent or incumbent-friendly politicians. Restrictions on enfranchisement occur via either explicit (e.g. voter disenfranchisement through disqualification or qualifying ‘examinations’) or implicit (e.g. coercion and electoral manipulation) means.<sup>22</sup>

### *Anti-Liberalism*

The second distinguishing feature is the *anti-liberalism* of authoritarian states. *Liberalism* here denotes a state’s respecting and upholding a reasonably expansive range of political liberties for a vast majority – not just some – of its citizens. Authoritarian states are structurally opposed to granting most of their citizens political liberties, for example, to organise and protest, to speak freely, and to a fair trial against the state. Press and media freedoms are severely curbed in such states. Authoritarian states leave very limited room for dissidents and activists to operate publicly and organise explicitly oppositional movements against them.<sup>23</sup>

In authoritarian states with robust repressive capacities and an effective invoking of the threat of or actual violence, whilst opposition movements may remain nominally possible on a small scale, they will be eliminated or contained upon being perceived as posing a viable threat to the state’s endurance. The extent to which the state succeeds in practice in cracking down on such contestation, of course, will vary according to state capacity and willingness to invoke more repressive measures.

Despite the prevalence of anti-democratic and hegemonic politics within them, various contemporary authoritarian states do feature at least some kinds of institutions that seek to reflect, in part, parts of the popular will, albeit in a *non-binding* manner. Some authoritarian states possess manipulated and selectively curated legislative elections, which would be skewed in favour of the incumbent through voter disenfranchisement via stringent barriers to participation, coupled with an executive leadership whose composition is not determined by a majority of citizens.<sup>24</sup> In other cases, where it is unlikely that citizens’ votes can alter their governmental leadership’s configurations, their votes in elections may serve as effective *pressure valves*, lending perceived credibility to the state and enabling the governing elite to gauge popular opinions for prospective revisions to their policies.<sup>25</sup>

Note that the anti-liberalism stipulation here applies primarily to the political domain. It remains possible that in certain authoritarian states, individuals can enjoy decent levels of freedom in their private or non-political spheres of life. Indeed, the existence of such freedoms is a reason why we should not view all agents in authoritarian states as utterly deprived of *moral agency*. In the rest of this chapter, we shall see examples of authoritarian states investing heavily in establishing and maintaining broad levels of freedoms across select social and economic domains, even despite their overwhelming state control and influence over the political domain.

***Unchecked Executive Powers***

The third key feature of authoritarian states is the *unchecked powers* of their executives. Authoritarian states are governed by actors without formal institutional checks and balances on the part of the citizenry to counteract them, as well as poorly defined boundaries and limits to executive powers. Such states do not tolerate the existence of a competitive legislative opposition – as partially established earlier, authoritarian states often possess weak, tokenistic, or rigged legislatures.

Many such states grant their executive branches ultimate authority over the composition and tenures of supreme courts and more junior courts, thereby ensuring that judges and advocates act largely in alignment with the executives. In any authoritarian state, the executive thus possesses largely institutionally unchecked power over their citizens – though as we shall see later in this book, there may exist checks and balances *within* the executive branches that preclude governmental actors from behaving with complete impunity and unaccountability. There could yet remain accountability, but such accountability is not enforced by and through non-executive mechanisms, *against* the executives *per se*.<sup>26</sup>

With that said, in select states, political leaders may opt into accepting constraints on *their* power – should they enter power commanding limited to no fundamental backing on the part of their selectorate, in particular. Here, they may find themselves ceding control and power to members of their support base. This would in turn bind them to certain decisions made without – and perhaps even against – their express wills. Even then, such constraints are usually imposed by and enshrine the interests of other actors within the executive elites – as opposed to ordinary members of the citizenry.<sup>27</sup>

**On Authoritarianism and Totalitarianism**

Authoritarianism and totalitarianism are interlinked yet technically distinct concepts. Indeed, the two concepts are best conceptualised as a spectrum, with states lining the full range between the two ends. However, there are at least two key distinctions between an “ideal-type” authoritarian and an “ideal-type” totalitarian state, which lie at opposite ends of this spectrum:

Firstly, totalitarian states exhibit significant levels of inter-civilian, or state-on-civilian violence, as the state *mass-mobilises* its citizens for particularly violent ends, such as the propagation of extensive assault, killings, and war against members of their own citizenry. As such, states that carry out internal *genocides* are totalitarian, as opposed to authoritarian.<sup>28</sup> Consider, for instance, Nazi Germany, in its instigation of genocide and mass killings against Jews, other ethnic minorities, the disabled and diseased, as well as Pol Pot’s communist dictatorship. Narrowly defined authoritarian states may deploy violence, through waging wars, military incursions, and espionage, against citizens of foreign states and persons of interest. Yet they do not engage in extensive and egregious violence towards their *own* citizens, as totalitarian states do.<sup>29</sup>

Secondly, totalitarian states exercise significant control over effectively all domains (e.g. private, public, social, interpersonal, economic, or religious) of their

citizens' lives – the scope of control is total, as opposed to partial. There exists no room for privacy within totalitarian states, which place their citizens under constant state surveillance, threats of violence, and policing of their private behaviours. In contrast, narrowly defined authoritarian states are somewhat restrained in terms of governmental control over citizens – their control remains predominantly concentrated in the public sphere, with citizens granted a reasonable degree of access to personal freedoms, specifically over interpersonal affairs, beliefs, and values.

As compared with its totalitarian counterpart, the authoritarian state “still maintains a certain distinction between state and society. It is only concerned with political power and as long as that is not contested it gives society a certain degree of liberty.”<sup>30</sup>

For the purpose of this book, we shall focus primarily on strictly defined authoritarian states, though states that are totalitarian or exhibit elements of both regime types may also fall partially into the scope of some of our theoretical innovations.

### A Brief Survey of State-Perpetrated Injustices

To set the empirical scene, we should unpack further the kinds of injustices perpetrated by authoritarian states, as carried out by their governmental apparatus, including the executive, the legislative, and the judicial branches.

#### *Mass Violence*

As highlighted previously, totalitarian states commit extensive violence against their own people. Upon the instigation of the Hutu-led military commanded by Colonel Bagosora, the Génocidaires initiated the massacres that culminated in hundreds of thousands of deaths in a civil war-torn Rwanda.<sup>31</sup> Pol Pot's murderous Khmer Rouge regime saw through the deaths and mass burials of over two million individuals – a quarter of the country's population in the mid-1970s.<sup>32</sup> In contrast, non-totalitarian, authoritarian states' violence does not tend to affect their citizens *en masse*.<sup>33</sup>

In contrast, the violence propagated by *authoritarian* states is chiefly directed towards external targets, mostly non-citizens. Consider, for instance, the Russian invasion of Ukraine from 2022 to the present. The war had resulted in extensive deaths and injuries amongst Ukrainian civilians, injuring hundreds of thousands and displacing millions from their homes.<sup>34</sup> Whilst the Russian leadership had adopted a swift crackdown on opposition dissent and protests at home, it had primarily directed its most egregious violence towards Ukrainian soldiers and civilians. In the late 1930s, through a series of legal changes including the State General Mobilisation Law and the Imperial Rule Assistance Association, Prime Minister Fumimaro Konoe transformed Japan into one of the three leading aggressor states in World War II, staging an eight-year-long invasion of China. Whilst anti-war voices were harassed and persecuted domestically, the regime was by no means driven to target domestic populations for mass killings.<sup>35</sup>

When it comes to warfare, this book is interested in unjust wars and actions undertaken by governmental actors during wartime – the Japanese invasion of China

and occupation of Korea are fairly well-substantiated case studies.<sup>36</sup> To the extent that the actions purportedly surveyed can be justified through appealing to just war theory, this would fall outside the strict scope of this book, which is preoccupied with *injustices* committed by the state. We focus on cases where the wars and military conduct in question are unjust – even if there are reasons for some individuals to find the war worth fighting for.<sup>37</sup> Furthermore, even in instances of wars that are justified on-the-whole, there are still *reparative* responsibilities that may arise, specifically towards innocent victims and casualties.<sup>38</sup>

### *Large-Scale Economic Extraction and Exploitation*

Authoritarian states can be perpetrators of large-scale economic extraction and exploitation of many victims. Through a mixture of state-sanctioned pillaging, theft, and resource confiscation, or nominally legal means such as unequal treaties and coercive contracts,<sup>39</sup> authoritarian states often forcefully remove land, wealth, and other property from non-consenting residents in the territories over which they exercise their rule.

In 1930, in the British colony of Southern Rhodesia, the Land Apportionment Act was passed by an unrepresentative legislature.<sup>40</sup> African natives were only able to purchase land in the Native Purchase Areas adjacent to the Reserves, with over 49 million out of 96 million acres allocated to the European colonisers, 28 million to the native population, and 17 million tentatively unassigned. Not only did the authoritarian colonial administration effectively exclude and disenfranchise vast swathes of the indigenous population from decision-making, it was also disproportionately skewed towards entrenching the economic interests of the 50,000-strong European population, at the expense of the 1,080,000 native population.<sup>41</sup>

Over 70 years later, under the different authoritarian rule of the post-independence leader Robert Mugabe, vast swathes of the white-possessed land were redistributed through violent and compulsory seizures without compensation, from white farmers. Both the colonial Southern Rhodesian and the post-independence Zimbabwean states committed extensive economic injustices – albeit to perhaps differing scales and of different manifestations – against their victims. In resource-abundant authoritarian states, where a high quality of life is often cited as a resounding virtue, whilst prospective opposition is indeed co-opted through promises of significant affluence and socioeconomic progress, the authoritarian governments also engage in extensive economic exploitation, such as the forced migrant labour hired for large-scale infrastructural projects by select Arab states in the Gulf.<sup>42</sup>

Authoritarian states with different political economies and degrees of extractiveness, even given highly similar sociocultural settings, can yield divergent trajectories when it comes to economic trajectories. Whilst the real earnings of workers under the Chiang Kai-shek dictatorship in Taiwan increased only twofold, in South Korea under Park Chung-hee, the real earnings increased by six times.<sup>43</sup> Park also handed down selective bans on strikes and union activity and arrested labour activists, during the 1961 emergency law and the 1972–1979 Yushun period. Park also disproportionately favoured the capitalists and industrialists in disputes between

the two, suppressing labour dissent through instruments of terror and fear.<sup>44</sup> The upshot is that we should analytically decouple economic extortion from the overall state of development, and refrain from asserting that a necessary correlation exists between the two – be it positive or negative.

### *Sociocultural Exclusion and Erasure*

Authoritarian states also often feature substantial sociocultural exclusion of disempowered minorities. Some write of injustices that render the victims of state-perpetrated injustices unable to feel “at home in the world”<sup>45</sup> – connoting a radical form of fundamental displacement from social structures. Persecutory populism thrives on the identification and ostracisation of the *other*; consider, for instance, the demonisation of “class enemies” and anti-revolutionary elements in the Soviet Union, or the flagellation of the ostracised “Stinking Old Ninth” scholarly class<sup>46</sup> during Mao Zedong’s Chinese Cultural Revolution (1966–1976). Minorities may find themselves relegated to positions of inferior social and relational standing on grounds of their immutable ethnic, religious characteristics or political beliefs, through no fault of their own.

Consider the segregationist hiring policies under Tatmadaw-led Myanmar, where Shan and Rohingya labourers were paid substantially lower wages and denied access to better-paid jobs and education, as compared with their Bamar counterparts.<sup>47</sup> Whilst it would be over-simplistic to wholly attribute the origins of the bigotry fuelling such hierarchies to the state, ignoring the causal contributions of long-standing xenophobia and bigotry engrained in parts of the population, it is evident that state institutions have played a pivotal role in sustaining and shoring up such divides and systemic subjugation.

Authoritarian states that frame themselves as the upholders of purportedly “superior cultures” may deploy means including both negative propaganda and physical destruction in accomplishing their end objectives of erasing and delegitimising particular cultures. During the Siege of Sarajevo at the height of the Bosnian war, the Bosnian Serbs targeted sites of cultural and symbolic significance to the Bosniaks residing in the country. The National and University Library of Bosnia and Herzegovina was razed to the ground, with 80% of its culturally significant contents and three million books destroyed.<sup>48</sup>

### *A Key Caveat*

It is not the case that the above kinds of injustices would appear across *all* authoritarian states. In this work, we shall focus primarily on the authoritarian states that do, in fact, perpetrate injustices – though it is worth bearing in mind examples where such injustices are absent, for they demonstrate that authoritarian states are not intrinsically, categorically *always* perpetrators of extensive injustices. Some states are likely to feature a combination of all of them, whilst others would feature exclusively only one or two amongst them. Indeed, there are authoritarian states – as we shall see shortly – that do not feature much state-perpetrated injustice,

if at all. We should not generalise abstractly that all authoritarian states are alike in their propensities, capacities, and actual tendencies to perpetrate serious injustices.

### *Morally Salient Empirical Features of Authoritarian States*

We have established that authoritarian states are definitionally and conceptually distinct from democratic ones. In practice, such differences also give rise to morally salient distinctions. These empirical distinctions do not apply to all authoritarian states – yet contingently arise across a vast majority of them. We shall momentarily also come to see why that is the case.

There are two particular features worthy of highlighting<sup>49</sup>:

#### *1. State-Sanctioned Coercion*

An empirically prominent feature of authoritarian politics constitutes the state-sanctioning of coercion – through physical torture, material deprivation, and threats of the security apparatus.

The intensity of state coercion largely stems from the associated incentives of core players within the system.<sup>50</sup> Leaders of these states are likely to be insecure as they face the risks of challenge and resistance from political entrepreneurs – organised groups and coalitions maintained through their shared values and opposition to the dictators. Such challenges are rarely incorporated or reflected through political institutions, which – when paired with the innate tendency of authoritarian rulers to prioritise near-term dividends – gives rise to engrained paranoia and insecurity on the part of political leaders. In response to contenders vying for their power, leaders have only a limited range of responsive options.

In the absence of clear leadership intervention in favour of internal accountability, authoritarian institutions operate as *de facto* “bandits” seeking to maximise short-term and near-future dividends, as Mancur Olson argues.<sup>51</sup> The lack of checks and balances, the over-concentration of powers, and the absence of sustainable succession norms across most authoritarian states render them likely to behave in a manner that is unaccountable to vast swathes of its ordinary citizenry; with that said, as we shall see, this claim applies less to states that take to institutionalising broadly meritocratic, technocratic succession and appointment norms in relation to their own personnel. In their seminal book *Why Nations Fail*, Daron Acemoglu and James Robinson argue that authoritarian states with limited exposure to competitive democracy are highly likely to adopt extractive political and economic institutions that prevent workers from reaping the full value of their production – thereby enabling widespread exploitation of labour whilst disincentivising economic development. In contrast, democracies with more inclusive institutions – both political and economic – tend to fare better when it comes to the protection of property and workers’ rights.<sup>52</sup>

Notable exceptions obviously exist, including China during the commencement of the reform and opening-up era in the 1980s and 1990s,<sup>53</sup> or intermittent years

during Suharto's New Order in Indonesia (especially in the early 1990s), when many of his more restrictive, anti-liberal measures were eased.<sup>54</sup> Ethiopian ruler Meles Zenawi drew inspiration from South Korea, a developmental state in his view that thrived through pursuing top-down, state-driven industrial policy and economic transformations. He sought to implement technocratic decision-making, facilitated by streamlined bureaucrats and trusted, capable advisors whom Zenawi deferred to for advice. Whilst none amongst China, Indonesia, and Ethiopia during these periods was institutionally democratic, they were largely free of the violent injustices ubiquitous in some of their counterparts elsewhere.<sup>55</sup>

## 2. *Costly Redress*

The conditions of authoritarian states tend to compound the costs of rectifying unjust state decisions. The primary reason for this is that the very acts of rectifying, apologising for, or compensating victims of injustices could well run contrary to state-sanctioned policies and discourses – that is, individuals may be penalised for sympathising with or aiding the “enemy”. Consider, for example, the ongoing persecution of opposition dissidents in Myanmar – to openly express support, or to provide material assistance to the anti-military ethnic minority rebels has been equated, per official discourse, to enabling individuals who pose fundamental “threats” to Myanmar’s law and order. Through framing the dissenting ethnic minorities as an ostensible public nuisance, and their sympathisers and supporters as traitors to Myanmar’s public security, the military-backed government has significantly raised the stakes for those hoping to “right the wrong” over the state’s persecution of ethnic minorities in the country.<sup>56</sup>

Even where acts of redress over injustices are not inimical to the state’s interests, we should note that authoritarian states often leave significantly worse-off those perceived to be critical of state policies on persecuted groups. This is achieved via both implicit affirmative action measures favouring privileged and state-aligned groups, as well as prohibitive, exclusionary measures directed towards opposing voices, through both violent suppression or indirect means, such as land re-zoning and economic exclusion. Indeed, the Pinochet military dictatorship in Chile, from 1973 to 1990, oversaw over 2,000 executions and 40,000 victims of torture, largely individuals who were “disappeared” on grounds that they were perceived to be sympathetic to leftist political doctrines.<sup>57</sup> The implication here is that it could well be prohibitively costly (e.g. incur substantial economic expenses, or pose exorbitant personal risks) for individuals to seek to oppose or counter the state at large.

These two features apply unevenly across different authoritarian states. Yet as the rest of this book shall demonstrate, whilst some authoritarian states exemplify both these features to the fullest, others are considerably less repressive and prone to the problems outlined earlier. Indeed, there could even be authoritarian states where citizens can influence and shape state decisions – whether it be through elections for officials on a junior, grassroots level, consultative mechanisms, or other avenues of political engagement and preference communication.

### **A Functional Typology of Authoritarian Leaderships**

We have now established both the types of injustices and morally distinctive features that characterise most authoritarian states. Let us now consider a working typology that allows us to understand not just the variations of regimes presiding over authoritarian states, but also the certain regime types on which we will primarily focus, where the assignment of reparative responsibilities to individual citizens appears most instinctively justifiable.

#### *A Leadership-Oriented Typology*

Barbara Geddes, Joseph Wright, and Erica Frantz suggest that authoritarian leadership can be classified as (I) dominant-party, (II) military, (III) personalist, (IV) monarchic, (V) oligarchic, (VI) indirect military, or (VII) hybrids of the first three.

(I) comprise regimes where the security apparatus is in the hands of a single dominant ruling party. (II) are regimes governed by military institutions and coalitions. (III) are regimes centred around a single dictator and their ensuing cult of personality. (IV) are regimes presided over by royal families with actual, substantive influence over decision-making – they are not restrained by publicly accepted constitutions. (V) are regimes where political leaders are selected through competitive elections, though a vast majority of the population is disenfranchised. (VI) are regimes where competitive elections are used to determine leaders, though the military wields a disproportionate level of influence over important policy decisions made by the government. Finally, (VII) feature a combination of the former three.<sup>58</sup>

Dominant-party authoritarian (I) regimes include Angola (with the Popular Movement for the Liberation of Angola, MPLA, in power since the country's independence in 1975), Burundi (with the National Council for the Defense of Democracy-Forces for the Defense of Democracy, CNDD-FDD, in power since 2005),<sup>59</sup> and Ethiopia (under the Ethiopian People's Revolutionary Democratic Front, EPRDF, led by Meles Zenawi and then the Prosperity), though some have suggested that Ethiopia has been backsliding into personalist authoritarianism under Abiy Ahmed.<sup>60</sup> Military authoritarian (II) states include many of the Latin American right-wing states that had been propped up by US funding during the early days of the Cold War. Consider, for instance, the Brazilian military dictatorship between 1964 and 1985,<sup>61</sup> the Argentine junta between 1976 and 1983,<sup>62</sup> and the Peruvian junta between 1968 and 1980.<sup>63</sup>

Personalist authoritarian (III) regimes are said by some to be the most repressive form of dictatorship.<sup>64</sup> Mark Gasiorowski suggests that personalistic leaders tend to rule through "patronage networks and coercion rather than through institutions and formal rules",<sup>65</sup> cultivating strong, overriding cults of personality and charisma to drive out opposition and squash dissent. Examples of such leaders include Haile Selassie in Ethiopia between 1930 and 1974, where he successfully drew upon the near-religious fanaticism and zeal in enshrining his rule, as well as Saddam Hussein in Iraq and the Kim Jong-un dynasty in North Korea.<sup>66</sup>

Monarchic authoritarian (IV) states encapsulate most absolute monarchies, such as Saudi Arabia, the individual emirates of the United Arab Emirates,<sup>67</sup> and Eswatini. Citizens within such states tend to possess varying degrees of civil and economic freedoms that are greater than their counterparts in other authoritarian states, though the exact extent to which the royal families involve themselves with the day-to-day operations and decision-making of the polity will vary from state to state. Oligarchic authoritarian (V) states include Apartheid South Africa and many of the African states under British colonial rule prior to the full enfranchisement that came during the path towards independence.<sup>68</sup> Indirect military (VI) regimes include the Tatmadaw-influenced “elected” government in Myanmar during the brief interregnum of civilian rule in the country’s recent history, between 2015 and 2021.<sup>69</sup>

It is worth noting that (V) and (VI) collectively comprise the bulk of what Steven Levitsky and Lucan Way term *competitive authoritarian* regimes, which possess reasonably significant levels of contestation, albeit with heavy limits and curtailment on the extent to which democratic leaders can in fact make decisions.<sup>70</sup> Additionally, types (I), (II), (V), and (VI) are often paired with a substantial bureaucratic apparatus to give rise to what some term “bureaucratic authoritarianism”,<sup>71</sup> which describes regimes where leader-approved technocrats and civil servants play an outsized role in enacting policies determined by the leaders. These seven regime archetypes encompass comprehensively a vast majority of the authoritarian regimes that have existed throughout history.

We will consistently return to the seven types of authoritarian regimes (I) to (VII) throughout this book, to account for the heterogeneity of authoritarian contexts. An additional category of authoritarian regimes that cuts across all seven types comprises colonial administrations or governments backed substantively by foreign actors. Whilst many prominent colonial powers, for example, the British and French Empires, had become democracies in their homelands by the 18th and 19th centuries, their colonies had very much remained under their rule in a repressive and non-democratic manner; consider, for instance, Dutch East Indies or British Malaya, even towards their final days.<sup>72</sup>

### *The Critical Subset of MDAS*

Having set out the seven-type typology above, which focuses heavily upon the makeup and composition of the leadership and sources of power of the state, I shall also introduce a key categorical concept that shall prove to be vital in our key constructive thesis, as advanced in Part III: the notion of *minimally decent authoritarian states* (MDAS).

Definitionally, these authoritarian states feature governments that possess three core characteristics.

Firstly, they do not practise extensive surveillance, coercion, and violence against a significant plurality of its citizens (low levels of repression); secondly, they do not possess complete control of all information sources, and allow for a degree of information de-centralisation (heterogeneous informational sources);

thirdly, they enjoy at least some semblance of general popular support, induced not via coercive extraction, but through an emphasis upon economic development, nationalism, or alternative, performance-based bases as a justification of their claim to legitimacy (general popular support). Let us consider these criteria in detail.

### *Low Levels of Repression*

The first criterion concerns the level of government repression towards citizens. The governments of high-repression authoritarian states tend to resort to extensive surveillance, coercion, and regular violence against a substantial portion of non-citizens and a significant minority of citizens, thereby giving rise to extensive coercion against their citizens. In contrast, their less repressive counterparts would opt to cultivate and maintain their power through alternatives, such as information manipulation, propaganda, or genuine improvement in the quality of life and welfare for the public, for example, cracking down on corruption.<sup>73</sup> Minimally decent authoritarian states are not highly repressive.

Throughout vast swathes of the first decade of the 20th century, the post-genocide Rwanda under Kagame presented itself as an example of a broadly less repressive state, one that is largely functional, effective, and domestically non-violent, relying heavily upon bureaucratic and legal procedures to eliminate dissent but without mass state-sanctioned violence against its own people or neighbours.<sup>74</sup> With that said, recent years have seen a growth in troubling reports of harassment and physical threats posed to journalists – especially those who are critical of the state apparatus.<sup>75</sup>

For comparison, a consistently highly repressive state can be found in General Ne Win's rule over Myanmar between 1962 and 1981, a period that saw the military junta ruthlessly persecute vast swathes of ethnic minorities and suspected opposition members through violent purges.<sup>76</sup>

### *Heterogeneous Informational Sources*

Across both high- and low-repression states, authoritarian leaders may resort to informational control in enshrining their political agenda; in particular, low-repression yet highly information-manipulative states, referred to by Sergei Guriev and Daniel Treisman as “informational autocracies”, would draw upon a mixture of propaganda, co-optation, and targeted censorship of the elite, in order to cultivate popular support amongst their citizens.<sup>77</sup>

With that said, MDAS tend to tolerate a greater degree of dissent and non-state-controlled information sources – whether it be as a means of informing public policymakers of mass opinion and preferences (informational function), or in signalling the state's openness and apparent embracing of pluralism (optical and perception-managing function). It is imperative that we differentiate between states that eliminate all competing or contrary information sources, thereby rendering citizens structurally uninformed of non-government-endorsed news and information, and those that allow for a degree of free, albeit heavily constricted, press.

*General Popular Support*

The third criterion revolves around the level of popular support for the state – or, alternatively, its governmental institutions. There are instances where there exists apparent mass support for the political leadership, at least across a non-trivial subset of the citizenry. Key examples include China under Deng Xiaoping,<sup>78</sup> Rwanda under Paul Kagame,<sup>79</sup> and Myanmar under Aung San Suu Kyi.<sup>80</sup> Despite the absence of open, democratic elections of leadership in these states, leaders and their administrations enjoyed considerably substantial grassroots support from their citizens, who were eager to affirm support of what they viewed to be political orders that upheld and served their interests. The description *general* is taken here to refer to at least a significant plurality, if not a numerical majority. Whilst approximating such levels of support is methodologically difficult, it is not impossible, as we shall see in Chapter 7.<sup>81</sup> Yet such support must not be primarily produced through overt coercion – even if coercion and state-sanctioned violence remain present in MDAS. In contrast, there exist cases where state control and grip over governance is maintained through a reign of terror and state-sanctioned violence, such as the regimes of Josef Stalin or the Brazilian military junta.

In MDAS, regime popularity is likely to arise, to some extent, from the advancement and securing of economic development under the authoritarian state. Contrast the *developmental authoritarianism* embodied by Park Chung-hee, Melles Zenawi, and Suharto in their respective countries, which saw governing elite band together in embracing what economist Stefan Dercon terms the “development gamble”.<sup>82</sup> The key priority for leaders at the top, managers at the middle, and executors and implementers at the bottom remained one of overseeing economic development – as captured through not just growth (measured using GDP per capita and total GDP), but also wellbeing indicators and general quality of life, such as access to education.

In contrast, *non-developmental* or *anti-developmental authoritarian* states tend to feature substantially lower levels of economic and HDI growth – see, for instance, the sluggish growth rates under the junta presiding over Myanmar since 2021,<sup>83</sup> or Robert Mugabe’s economically devastating rule over Zimbabwe in the early 21st century.<sup>84</sup> Many of the authoritarian states toppled through grassroots-led protests suffered from their fundamental unpopularity and slipping approval towards the end of their time. Consider, for instance, the extensive resistance and protests against both Fulgencio Batista’s repressive, mafia-backed, military rule in Cuba between 1952 and 1958,<sup>85</sup> as well as the People Power Revolution in 1986, which forced the departure and ceding of power of strong-man Ferdinand Marcos.<sup>86</sup> These large-scale episodes of contentious politics attested to the growing unpopularity of authoritarian rule in the particular contexts highlighted. The popularity of authoritarian leaders and their governing apparatus thus evidently varies from state to state.

**Recap**

All in all, the core examples of MDAS include Indonesia under Suharto,<sup>87</sup> China under Deng Xiaoping,<sup>88</sup> Saudi Arabia,<sup>89</sup> and Rwanda under Kagame,<sup>90</sup> the empirics

of which we shall duly unpack in our subsequent exposition in this book. Having established clearly both the conceptual and empirical features and variety of authoritarian states, we are now in a position to tackle properly the question of responsibilities that individuals should bear for redressing injustices perpetrated by their authoritarian states.

## Notes

- 1 John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press, 1971), p. 397.
- 2 John Rawls, "The Law of Peoples," *Critical Inquiry* 20, no. 1 (1993): 50; also see discussion by Katrina Forrester, *In the Shadow of Justice* (Princeton, NJ: Princeton University Press, 2019).
- 3 John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).
- 4 See Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); Susan M. Okin, *Women in Western Political Thought* (Princeton, NJ: Princeton University Press, 1979); Susan M. Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989); Jürgen Habermas, *Theory and Practice*, trans. John Viertel (Boston, MA: Beacon Press, 1973).
- 5 The exact phrase is proposed by Toni Erskine, "Qualifying Cosmopolitanism? Solidarity, Criticism, and Michael Walzer's 'View from the Cave'," *International Politics* 44 (2007): 135.
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## **Part II**

# **Existing Accounts of Citizen Liabilities**



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### 3 Direct Distribution Accounts

In everyday discussions, we tend to take the default assumption that individuals are responsible for the outcomes of their *own* actions – not those of other, unrelated individuals. This same view extends to redressing the injustices that result from our own choices. Accordingly, Direct Distribution Accounts (henceforth DDAs) posit that the responsibilities to redress state injustices ought to be distributed across citizens based on – indeed, *in proportion to* – their *direct relationships* with said injustices.<sup>1</sup> We hold these individuals morally responsible for the perpetration of these injustices, as well as redressing their effects.

DDA theorists hold that in instances where states behaving unjustly do end up bearing reparative responsibilities – for example, in paying reparations – the costs of this reparative process should be divided amongst citizens in accordance with how they are *individually* directly related to the injustices in question. Alternatively, in instances where the governments of these states explicitly refuse to shoulder said responsibilities, they may be inclined to hold only individual citizens with a direct relationship to the injustices *morally responsible* for redressing the injustices in question.

These accounts include what Avia Pasternak termed *proportional distribution approaches*, focusing expressly on individuals who intentionally perpetrate wrongdoings or cause the injustices, as well as approaches such as the Citizen-exclusive, State-centric, and the Beneficiary Pays Accounts.<sup>2</sup>

There are three common features underpinning such accounts:

Firstly, we ascribe responsibilities to *individual* agents – including the responsibility to redress injustices – on the basis of their *direct* relationships with injustices. Individuals may intentionally bring about, unintentionally cause through negligence and culpable inaction, participate in a corporal agent that perpetrates, or benefit from injustices. Their membership of a group, their citizenship in a state, and their being constituents of collectives are only relevant to the individual's reparative responsibilities, insofar as they shape or contribute towards the relationship between the individual and a particular injustice.

Secondly, the *more* responsible individuals are in relation to the initial *act* of injustice, the *more* responsibility they must bear, *ceteris paribus*, for redressing the *effects* of injustice. Recall from Chapter 1 what we meant by *more responsibility*. The parameters for the degree of responsibility may include the extent to which the

injustice is intended and the causal impact of the individual's action on the occurrence of the injustice. An agent who is tangentially responsible for an injustice, in ways we shall see shortly, is liable to shoulder fewer costs than an agent centrally responsible for an injustice. It is possible, indeed *necessary*, for there to be a gradation of responsibilities across different agents per these accounts.<sup>3</sup>

Thirdly, direct distribution is widely viewed as the *ideal* response to instances of injustice. Pasternak focuses on a particular form of direct distribution – that is, distributing the responsibilities to individuals who are “personally associated with wrongdoing” through perpetrating the wrongdoing. She terms this “proportional distribution”. Pasternak argues that *if* the state's duty to redress injustices can be discharged in full through proportional distribution, this would, of course, be preferable to alternative accounts.<sup>4</sup>

Granted, if it is possible for a DDA to be rigorously and directly applied in authoritarian contexts, then we should find it relatively easy to hold the right individuals responsible for the costs and burdens of redressing the state's wrongdoings. Yet this is often not the case in reality, given the vast epistemic and normative costs involved in fully applying proportional distribution principles. Individuals *can* act on a *standalone* basis, but when it comes to the enabling and commitment of injustices perpetrated by the state, we are speaking of individuals who are acting as parts of a much *larger* group.

In this chapter, we shall come to evaluate the application of different candidates of DDAs to authoritarian contexts. We begin by considering the primary DDA taken to be the conventional default for all injustices – the *Perpetrator Liability Account*. Upon reflecting upon some of its innate weaknesses, we then look at both *Citizen-exclusive State Culpability*<sup>5</sup> and *Negligence and Culpable Inaction Accounts*,<sup>6</sup> which offer more sophisticated responses to some of the revealed defects. Whilst they can indeed be applied with caveats to different authoritarian contexts, we shall come to recognise clear limitations to both.

In sharp contrast, the *Beneficiary Pays Account* draws upon an alternative, non-blame-centric conception of responsibility. In arguing that individuals can develop non-moral yet still binding responsibilities to redress injustices, it offers an intriguing alternative that sidesteps challenges that afflict moral blameworthiness-centric notions of reparative responsibility. With that said, this account still retains fundamental defects that render it ill-applicable to some authoritarian contexts. The upshot is clear: whilst DDAs have their merits and can be applied to some authoritarian states, there are also contexts where they fall short of the desiderata set out previously. In short, in our seeking to understand the full picture of responsibilities in authoritarian states, we must move beyond DDAs.

### **Perpetrator Liability Account**

The Perpetrator Liability Account (PLA) reflects a core intuition underpinning many of our responsibility practices. We would react with resentment to individual agents deemed to have intentionally committed wrongs.<sup>7</sup> Episodes of such reactive attitudes are ubiquitous. They arise in our blaming individuals who inflict

significant disruptions upon societies, punishing and imprisoning criminals who intentionally commit heinous crimes, and holding morally responsible political leaders who have clearly wronged their populations. Such reactive attitudes have long led us to adopt the following view:

*PLA.* An individual X is liable to redress an injustice Z if:

- a) X carries out some act Y,
- b) X intends for Y to bring about Z, and either
- c) Y is a *necessary* condition for Z – but for Y, Z would not have occurred, *or*
- d) even if Z would have occurred but for Y, X's performing Y causally *influences* the nature of Z in a descriptively significant manner.

Some unpacking is warranted here: (a) is trivially true, insofar as X can only qualify as a *perpetrator* of injustice, if X is connected to the injustice through an act – merely wishing or intending for the injustice to manifest, without any concrete action (including speech and other actions that are not immediately physical), is insufficient for *perpetration*.

Furthermore, (b) X must harbour the intention for Z to arise from Y; X must hence be aware of the reasonably significant possibility that Y leads to Z, as well as the desire that Z occurs. Suppose I intend to take my *usually* docile poodle for a walk in the park, without knowing that my poodle would subsequently bite – out of a freak fit of fury – and severely injure an old lady. I clearly do not desire that the lady be bitten and wounded by my poodle; indeed, whilst I am aware of the abstract possibility that my dog will bite someone, I do not view the probability of the bite as reasonably significant. As such, whilst I may still be held *liable* on alternative grounds, I am not a *perpetrator* of the harms inflicted upon the lady, *per se*.

The next pair of conditions addresses the relation between X's Y-ing and Z. Criterion (c) is relatively straightforward: so long as Y is what J. L. Mackie terms an "insufficient but necessary part of a condition which is itself unnecessary but sufficient for the result"<sup>8</sup> (individually necessary, jointly sufficient) of Z, Y can count as a cause of Z.

Criterion (d) aims to address concerns about overdetermination, as raised by Frankfurt.<sup>9</sup> Consider two soldiers tasked with shooting the same political dissident. Had Soldier 1 missed, Soldier 2 would have killed the dissident. In the end, the dissident is killed by Soldier 1, and not Soldier 2. Even whilst the counterfactual – if Soldier 1 missed – would have yielded the same outcome of the dissident's death given Soldier 2's presence, it appears that Soldier 1's firing the shot causally *influences* (per David Lewis' nomenclature<sup>10</sup>) the dissident's death. In layperson's terms, causal influence manifests here through the subtle yet important metaphysical distinction: that it is the bullet from Soldier 1's gun, and not 2's, which ends up piercing the body of the dissident.

Consider the *Litvinenko Case*. On November 1, 2006, former Russian security agent Alexander Litvinenko fell ill, and died three weeks later in what was widely agreed-upon as a case of Polonium-210-induced poisoning.<sup>11</sup> One of the primary suspects – Andrey Lugovoy – had initiated various failed attempts to poison the

victim, through which important intelligence was gathered; another – Dmitri Kovtun – deposited polonium into the victim’s cup of tea. The polonium was stored in and procured from a nuclear power plant in Russia.<sup>12</sup> Granting the credibility of these allegations, Lugovoy and Kovtun clearly were liable for the injustices inflicted upon Litvinenko through their direct involvement in poisoning the man.

Whilst they might have been operating under the instruction of the Russian state, this fact alone would not absolve them of their moral responsibility for the injustices, for which they are liable in virtue of having procured and deposited the material that eventually killed Litvinenko (a), intending for the death of Litvinenko (b). Trivially, even if there had been more than one pair of assassins at work who would have finished the job in any case, it was *the* radioactive material they deposited that specifically led to Litvinenko’s death (c). In short, even if there had been causal overdetermination, this would not have been sufficient in eliminating at all their moral liability for Litvinenko’s eventual death.

A standard line of excuse for these individuals we often hear, and that perhaps applies particularly to actors within authoritarian states such as Russia, is that individual state-affiliated agents perpetrate injustices because they have no reasonable alternatives. The worry is that, should agents acting on behalf of an authoritarian state refuse to comply with their commands, they may be punished with disproportionate, draconian sanctions, without the recourse of appealing to due process.

Hence, an additional condition should be added to PLA to complete the story:

(e) X must not be coerced into Y, in that (i) X believes that X will experience significantly deleterious outcomes caused by another agent Z if X does not Y and (ii) X carries out Y because of (i).<sup>13</sup>

Note, coercion here operates as a threshold concept – it must be that X is threatened with sufficiently detrimental outcomes that it would be *unreasonable* to expect X to refuse to Y. If the assassin were threatened with a fine of 10,000USD, this would be far too trivial a sum.

Should (a) – (e) be satisfied, the kind of responsibility is indeed rooted in blame – that is, perpetrators are *blameworthy* for their committing acts of injustice and are *hence* morally responsible for redressing such injustices. Should they fail to redress adequately the injustices, they can be further blamed for their dereliction of reparative responsibilities. The Imperial Japanese Army or Italian fascists who perpetrated – intentionally and voluntarily – crimes against humanity during World War II should indeed be deemed morally blameworthy for their actions. The excuse that they were merely following orders – whilst oft-invoked – did not obviate the fact that many senior military officers of the Nazi German regime genuinely harboured vile, abominable antisemitic beliefs whilst perpetrating gross injustices against victims of their persecution.<sup>14</sup>

As parsimonious as this account may be in identifying clearly responsible agents, there are three worries with applying the PLA (comprising (a) – (e)) to instances of injustices perpetrated by authoritarian states. The first concerns the significant practical difficulties of identifying individuals who are, in fact, blameworthy. This

holds especially for states that are more opaque, less accessible, under less public scrutiny or tenable investigation by media actors, and are in turn more prone to actions perpetrated in clandestine secrecy.<sup>15</sup> Both Young and Pasternak have raised concerns that it is infeasible and improbable that we can find individuals who are clearly morally responsible for certain injustices – Pasternak flags this especially in the context of state-perpetrated injustices, in which a significant number of actors may be directly and indirectly involved.<sup>16</sup> We would find the fact-finding and liability apportionment process far too costly – in terms of time, economic resources, and energy – which thereby “inhibit[s] the state’s capacity to deliver on its other obligations”.<sup>17</sup> The unattenuated PLA thus fails to fulfil the *Practical Feasibility* desideratum (3b), as well as potentially contravening the *Limit Condition* in asking too much of individuals (2b).

A second worry is that PLA also fails to normatively capture vast swathes of individuals who should, in fact, be held liable, yet do not meet the metaphysically stringent conditions stipulated by the account. As Young argues, “where structural social processes constrain and enable many actors in complex relations, however, those with the greatest power in the system, or those who derive benefits from its operations, may well be removed from any interaction with those who are most harmed in it”.<sup>18</sup> Individuals who intentionally contribute towards structural social processes, driving and derive benefits from injustices may still play a role in enabling the repetition and continuation of injustices into the future. Yet a straightforward PLA does not adequately explain why – for it bases its assessment of responsibilities on the actions performed by individuals qua solo agents. The PLA *undershoots* and hence yields mixed results when compared against the first desideratum of *Descriptive Accuracy*. Alternative accounts are needed to supplement the PLA.

A third and final worry, drawing upon both strands above, is that we may be left with a significant *Responsibility Shortfall* (per Cécile Fabre<sup>19</sup>) by relying excessively upon the PLA. This to say, the devastating effects of injustices could well be left unredressed due to the dearth of clearly identifiable individuals who should bear the costs of remedying the losses posed to victims, halting and preventing future injustices, and commemorating and acknowledging the moral wrongs involved. Victims would remain uncompensated, and the deleterious effects continue to linger. In short, the basic PLA scores poorly against the *Adequate Resolution* desideratum (3a), too.

### Citizen-Exclusive State Culpability Account

An alternative DDA can be found in Holly Lawford-Smith’s work *Not in Their Name: Are Citizens Culpable for Their States’ Actions?*<sup>20</sup> She seeks to unpack the particular relationships between states, their citizenry, and public officials working for their states. Whilst her account is expressly stipulated as applicable to solely democratic states, I suggest there is much insight that can be inferred from it and applied to authoritarian contexts.

Lawford-Smith advances two central theses:

- A) That state employees are culpable, and hence blameworthy, for their state's wrongdoings;
- B) That citizens residing in a democratic state are not blameworthy for their state's wrongful policies.

(A) is what I term the *state culpability thesis*, whilst (B) is the *citizen exclusivity thesis*.<sup>21</sup> A) rests upon the premise that the democratic state meets the requirements for at least moderate, if not strong corporate moral agency.

A group G possesses *moderate* corporate agency, if its members possess:

interlocking intentions and meshing sub-plans (Bratman 2009) [. . . or are] capable of acting over time on the basis of jointly accepted beliefs (Gilbert 1987), or shared intentions that cannot be rescinded without the concurrence of all members (Gilbert 2008), or to each intend the goals, decision procedure, and outputs of the decision procedure to bear on her own decision-making goals and procedures over time.

(Lawford-Smith 2015)<sup>22</sup>

G possesses *strong* corporate agency, if G is a moderate corporate agent *and*, additionally, (a) is rational and autonomous<sup>23</sup> or (b) can perform joint action in identifying and establishing shared goals, the judgements that can guide the pursuit and satisfaction of these goals, and the agents who shall be in charge of following through on these goals.<sup>24</sup> It is beyond our remit to explore these criteria at length – but the underlying logic is clear: groups can only come to possess significant corporate agency if they exhibit a high degree of convergence in intentions, beliefs, and goals amongst all its members. Short of such convergence, the connection between group members would not be sufficiently *strong* for the attribution of corporate agency.

All individuals who are under the formal employment of their government are thus *constituent members* of the state apparatus. From political leaders to senior bureaucrats, through to frontline staff and rank-and-file workers, individuals who work as parts of the state apparatus implementing unjust decisions must accept that a portion of the moral blame for such injustices is thus attached to them. The exact level of individual moral responsibility will vary depending upon the capacity, power, and degree of actual influence possessed by these employees<sup>25</sup>; yet no state employee can be wholly excluded from the range of responsible agents.

Through claim B), Lawford-Smith argues that citizens in democratic states are not morally responsible for their state's injustices. This is because, *contra* state employees, these citizens are neither strongly nor moderately connected to what Pasternak terms the “group's [state's] intentional stance”.<sup>26</sup> She subsequently sets out the case that strong corporate moral agency requires “a pre-existing group structure, and for the intentions and so onto be appropriately connected to the actions taken by the group”.<sup>27</sup> Whilst citizens can vote in open and fair elections

across democracies, they do not possess enough meaningful control over the state's day-to-day choosing between disparate policy options. They may be able to choose those who govern them through partaking in elections, but cannot act in concert to overthrow the government, protest governmental expenditure decisions, or influence the short-term "goals and procedures" adopted by the government, which could well deviate from the platform they previously advocated during elections.<sup>28</sup> These empirical facts thereby preclude a vast majority of citizens from being constituent members of the state as a corporate agent; as such, they are *non-blameworthy* for state-perpetrated injustices, and lack the moral responsibility to redress them, per Lawford-Smith's argument.

Evidently, this fact alone does not mean that citizens are to be let off the hook altogether for what their state does: citizens may still possess "correspondingly weaker obligations that responsibility, compared to culpability, generates".<sup>29</sup> For instance, these obligations could arise from citizens' interactions and affiliation with state institutions, even if they could do little in altering the particular policy outcomes. Yet such obligations will not come with any blameworthiness and moral responsibilities, given that "the weak collective agency that is generated from the loosely coordinated actions of millions of individuals cannot meet the conditions of moral agency".<sup>30</sup>

The critical question is, can Lawford-Smith's account be applied to authoritarian contexts, if at all? Attempts to do so seemingly contradict her stated stance, which argues that "in a dictatorship or a monarchy, so long as the dictator or monarch is an agent . . . we simply identify the state with that person. . . . Actions by the dictator are the actions of the state, but that doesn't implicate anyone further than the dictator".<sup>31</sup>

I disagree with this characterisation. In reference to the seven-type typology advanced in Chapter 2, it is apparent that there are plenty of authoritarian regimes that are not governed by single dictators presiding over personalist regimes (III) or monarchs (IV). Consider, for instance, dominant-party (I) and military (II) leaderships, where there may be no distinct individual agent who can be held morally responsible for all the actions committed by the state apparatus.

Indeed, across numerous type I and II regimes, state employees, at least a significant majority of mid-level to senior-level officials, are likely to exhibit high levels of convergence in intentions, beliefs, and goals with the unjust acts perpetrated by the state apparatus, and hence feature (A) can also be applied to such authoritarian contexts. Government workers in select authoritarian states may well comprise a moderate, if not strong, corporate agent. On the other hand, a vast majority of citizens in these states appear to be highly unlikely to possess much control, if any at all, over the decisions pursued by their officials; hence, feature (B) is applicable beyond democracies, too.

An argument structurally comparable to that made by Lawford-Smith for democracies can be made for some authoritarian states. The organisational structures of dominant-party and military-led executives in authoritarian states, as with democratic states, tend to feature both hierarchical relations and nested agency. In Ethiopia, Meles Zenawi's TPLF-led government, for instance, saw a highly streamlined

and cohesive executive leadership under a handful of trusted intellectuals, institutionalised mechanisms to enforce commitment and loyalty of grassroots cadres, and co-optation of ethnically based organisations through the EPRDF.<sup>32</sup> Such agency was nested in departments, bureaus, and agencies, each bestowed with an explicit mandate and discretion within said mandate to undertake regulation, policymaking, and implementation.

A key litmus test lies in whether the individuals in question “join the state service voluntarily”.<sup>33</sup> Whilst citizens residing in authoritarian states may have no choice but to partake in activities associated with their state, and it would be imprudent of over-reading into their compliance with the law and governmental demands, so long as state employees voluntarily agree to joining and serving their state, they should be deemed a part of the “locus of intentional action” of the state – across both authoritarian and democratic states. The government can include “decision-makers, decision-implementers, and auditors”,<sup>34</sup> many amongst which are employees with trivial or no direct impact on the policymaking and implementing processes culminating in the injustices in question.

Hence, consider the *Citizen-exclusive State Culpability Account*, which consists of the application of Lawford-Smith’s account to authoritarian contexts: provided state employees in authoritarian states satisfy the conditions for strong or moderate corporate agency, they can be held morally responsible for state-perpetrated injustices. In contrast, citizens should not be held responsible, given that they cannot be reasonably conceived of as members of their state. As compared with the PLA, this modified view can fulfil both the desiderata of 3a and 3b – by identifying and holding responsible *the entirety of the state apparatus (its employees)*, a fairly parsimonious and direct process. It is also likely that these individuals are best placed to leverage the resources, information, and wherewithal they have access to, in the pursuit of redress of injustices. The reasoning supplied above suggests that the account is theoretically and explanatorily justified (Desideratum 2).

There are, nevertheless, two key shortcomings to this view, still. The first is that even in authoritarian contexts, there may be devoted *co-perpetrators* amongst non-state employees (e.g. private citizens) who are sincere in intentionally contributing towards state wrongdoings. Consider the ultra-nationalist Buddhist monks in Myanmar who endorse, support, and actively contribute towards the brutal violence and persecution of Rohingya Muslims spearheaded by the junta government,<sup>35</sup> or the fledgling new *chaebol* founders and entrepreneurs during Park Chung-hee’s tenure as a strong-man dictator, who played a crucial role in funding and supporting his rule.<sup>36</sup> Even if these citizens did not actively provide resources for the persecution of these victims, they could also be genuinely sympathetic advocates and supporters for the state, cheering on the state as it goes about its routine business. The implication is *not* that most citizens are thus morally responsible – but that by holding purely state employees culpable, the advanced account ignores non-state actors who are also intentional collaborators or indirect contributors towards the injustice in question. Indeed, in (V) oligarchic or (VII) hybrid authoritarian states with greater popular involvement and participation, even whilst citizens are unable to determine the exact policies decided upon and implemented by their state, they

can still play an instrumental role in voluntarily, consensually contributing to state activities. As it stands, using public employment as the “cut” causes the account to *undershoot* (Desideratum 1).

In the opposite direction, and perhaps in partial affirmation of Lawford-Smith’s decision to exclude non-democratic states from her default scope of focus, certain authoritarian executive leaders are often *coercive* towards their own subordinates and employees – such that state employees may not be able to enter or exit government employment voluntarily. We could consider heavily personalist authoritarian regimes, which rely heavily upon “repression rather than negotiation” as a means of addressing potential internal fragmentation and the rise of opposition within the executive.<sup>37</sup> Personalist leaderships are less likely to take kindly to being challenged or thwarted by internal dissenters questioning their credibility and authority – they are inimical to “factions”, and usually collapse only in the event of the leader’s death or debilitation, or disastrous economic events; see, for instance, Suharto’s heavy-handed approach to dissenting members of the government coalition towards the end of his tenure.<sup>38</sup>

State employees of authoritarian regimes may find themselves rewarded for their ability to execute elite commands, yet also met with disciplinary punishment and restrictions upon personal and familial liberties should they fail to do so.<sup>39</sup> Whether it be Putin’s Russia or Fidel Castro’s Cuba, it is clear that the state (as a whole) in question fails to meet the criteria for corporate membership, given the extensive coercion, threat of violence, and rule by fear that the executive leaders extend over their employees.

In such cases, we would thus have to revert to alternative candidates for responsibility assignment, which remain underspecified: should the “dictator or monarch”,<sup>40</sup> the ruling party executive, or all voluntary leaders within the government be construed as the responsible agent? Whilst holding exclusively individuals who are involved in primarily orchestrating, designing, and planning the injustices in question would be relatively straightforward, doing so incurs the risk of leaving out other actors whose involvement is less explicit and discrete.

All in all, across most authoritarian contexts, this view either fatally *overshoots* (Desideratum 2), or – in seeking to rule out all instances of prospective coercion – ends up practically infeasible (3b) given the significant costs incurred in establishing the veracity and validity of claims.

### Negligence and Culpable Inaction Accounts

In seeking to extend to authoritarian contexts an account nominally stipulated to be centred around democratic states, we may be inclined to think individuals are culpable for not acting against, opposing, or challenging state-perpetrated injustices. The underlying intuition pertains to our view that individuals can be culpable for their *negligence*. Seana Shiffrin emphasises that “negligence . . . involve[s] a failure to take due care, where due care requires an omission or an action, and the failure may itself involve an omission or an action”.<sup>41</sup> Such failure could itself amount to being a wrongdoing, especially if it is causally responsible for a setback to the interests and welfare of some external party.

There are two particular accounts worth highlighting centred around variants of liability arising from negligence. Both focus on the culpability of individuals *failing* to act, with such inaction giving rise to reparative liabilities. They include Eric Beerbohm's view of the duties of democratic citizens<sup>42</sup> and Anna Stilz's recently advanced view of democratic citizens' culpability for state actions that they do not sufficiently oppose.<sup>43</sup>

In their statements, both accounts are explicitly confined to democratic contexts. Focusing predominantly on what he terms the "ethics of democratic participation",<sup>44</sup> Beerbohm argues that in states where citizens are represented by their public officials – for example, democracies – citizens have a forward-looking duty to undertake political action in order to pressure, incentivise, and monitor their representatives over their actions. Given that democratic citizens are horizontally equal with one another within formal political frameworks, they are in a position to make a difference with their vote but also pursue changes and responses from their politicians through alternative mechanisms such as petitions, campaigns, public debates and commentaries, pressure groups, and social organisations. Citizens must recognise that democracy is a "system of shared liability",<sup>45</sup> and step up to their fair share of political responsibility. When citizens fail to discharge their forward-looking responsibilities through the appropriate political activities and provided the costs of such activities are not too significant (e.g. threats to personal safety, undermining of well-being) (cf. Desideratum 2b), citizens are thus *blameworthy* for their failures. Hence, certain citizens in democracies are culpable not because they are themselves, like state employees, involved in perpetrating the injustice. Instead, they are culpable for their *inaction* – that is, a failure to oppose their state over such decisions.

In a similar but incongruous vein, in her more recent work, Stilz posits that citizens in a representative democracy "share commitments to associate together politically and to support certain institutions".<sup>46</sup> Additionally, democracies satisfy three conditions for representative agency that Stilz sets out: (a) citizens authorise their state to serve as representatives over decisions that only they would usually have a right to make directly; (b) citizens (can) vote to affiliate themselves with the particular policy visions, stances, and proposals set forth by parties;<sup>47</sup> and finally, (c) citizens are capable of severing their agency-connection with their government through expressing political dissent. With these conditions satisfied, "citizens who fail to dissent . . . can reasonably be thought to accept or ratify their representatives' decisions".<sup>48</sup>

Whilst both Beerbohm and Stilz's accounts hold individuals blameworthy, the former does so for a failure to comply with *forward-looking reparative responsibilities*, whilst the latter does so for reasons that citizens "[have] empowered representatives to make decisions on their behalf, while failing to dissent from the specific unjust decisions their representatives made". Both comprise failure to meet some pre-existing standards – a form of negligence. Stilz buttresses her claim by citing Shiffrin's view – that such negligence indicates a failure to exhibit "appropriate sensitivity to the interests and moral status of their state's victims".<sup>49</sup>

Both theories explicitly rule out their application to authoritarian states. Both are grounded in the claim that there is something *sui generis* about robust democratic states – as Chapter 5 shows, Stilz advocates elsewhere the Kantian position that *only*

democracies, with each citizen's right to vote for and select leaders enshrined and upheld, can ensure that their citizens are governed by the omnilateral will that reflects the wills of all, as opposed to the will of the political rulers who happen to be in power, irrespective of how benign or competent they may be.<sup>50</sup> Beerbohm believes that modern democratic citizenship affords citizens a unique ability to influence the political process, given not only the political institutions sustained by their participation, but also the room and openness for discourse and actions outside formal political institutions. Per their views, non-democracies lack the *horizontality* of equal treatment and status between citizens that is pivotal to the sustainability and endurance of democracies.

Yet the above does not prevent us from developing, for the sake of argument, a parallel account that borrows heavily from both thinkers' accounts – one centred around citizens' culpability in *authoritarian* states, in virtue of their *failing* to resist, oppose, and challenge their state's decisions, even when they could do so. Of course, this subset is likely to be limited in size.

Firstly, the *excusable ignorance* of particular injustices runs rampant amongst citizens living in authoritarian states with significant control over information flows, dissent, and media access (e.g. Castro's Cuba<sup>51</sup>). Censors, propaganda officials, and bureaucrats in charge of curating media and information networks effectively wield the wide range of tools and resources at their disposal to propagate misinformation. Russian officials, state-affiliated scholars, and media commentators have repeatedly and vociferously declared assertions such as the purported Nazism of the Ukrainian state, as well as flat-out denial of Ukrainian statehood and nationhood, as a means of legitimating the invasion since 2022 in the eyes of the Russian public.<sup>52</sup> It is impossible to gauge accurately the proportion of Russian citizens who have been captive audiences influenced by the propaganda, though judging from the (questionable) Levada polling results at the beginning of the war, as many as 53% of the surveyed expressed firm, unquestioned backing for the invasion.<sup>53</sup>

Given the asymmetrical dominance and extensive reach of state informational and media sources, it would be unreasonable to expect certain Russian citizens who lack direct and intimate access to first-hand testimonies from war, senior officials, or the uncensored internet via VPN and other tools, to be sufficiently informed of the nature of the war that is currently fought. They may possess *pro tanto* duties to become more informed about the injustices involved, though they are not blameworthy for their ignorance in the first place. In contrast, individuals within the Russian state with sufficient access to information, and whom it would be reasonable to expect to understand and comprehend the activities of their state, cannot invoke "excusable ignorance" as a defence – for they either are not ignorant or can be blamed for such ignorance.

Secondly, in most authoritarian states, overt dissent is *costly*, especially if it is to take place through open, public channels. As highlighted in Chapter 2, dissent tends to be swiftly quashed and severely punished under most authoritarian states, with dissenters suffering from significant personal costs, including potential incarceration, fines, socioeconomic exclusion, and even physical violence. Authoritarian governments tend to resort to "protest control" and systemic repression to maintain their grip on power.<sup>54</sup>

Nevertheless, there are indeed authoritarian states that do not overtly crack down on dissent through repressive measures. These include states in possession of (a) an opposition that is represented in the legislature; (b) a broadly functional rule of law upholding freedom of speech; or (c) a state apparatus that is both weakened and deficient in internal unity, to the point where repression of dissent becomes impossible.

Per (a), Mauricio Rivera observes that autocracies with opposition parties and an elected legislature will likely feature less repression than autocracies with opposition parties yet no elected legislature, with repression occurring through increasing the costs and penalties for collective action and eliminating the spaces and platforms for opposition actors.<sup>55</sup> An example of (b) would be the post-World War II decades of British rule in Hong Kong, where colonial administrators – with an unelected governor presiding over a non-democratic colony – considerably relaxed restrictions on public speech, political assembly and advocacy, in preparation for the eventual hand-over of Hong Kong to China.<sup>56</sup>

For (c), we should look no further than the concluding years of the Soviet Union under Mikhail Gorbachev, with the final leader of the USSR opting for *glasnost* – openness and publicity in the media and public discussions – in part to uproot corruption within the party, and in part because the repression of dissent was no longer tenable or practical.<sup>57</sup> In cases such as (a), (b), and (c), dissent would thereby be less costly.

Thirdly, in the absence of a critical mass and the alignment of political opportunity structures,<sup>58</sup> dissenting protests and social movements are *unlikely to have a demonstrable impact* on the policymaking and -implementing decisions of the authoritarian states. This applies particularly to states where the decision-making authority is often held in the hands of a very small number of powerful, elite actors with an outsized concentration of resources, networks, and information, and for whom their primary bases of power stem less from popular legitimacy than the potential deployment of physical violence. Whilst one could argue that citizens should still engage in actions to register their disagreement with the state's actions – even if no substantive policy changes occur as a result – my point is that their failing to do so *does not* amount to a *morally blameworthy* act.

Fourthly, certain political leaders of authoritarian states, in fact, excel in the *manipulation* of their citizens' opinions, values, and preferences. Authoritarian states' extensive deployment of propaganda and campaigns as a means of transforming citizens' moral commitments and beliefs has successfully legitimised many of the injustices they perpetrate in the eyes of the public. During the Soviet era, press outlets were heavily censored by the state, with radio and television stations alike tasked with broadcasting state-sanctioned ideologies, including unyielding loyalty towards the state.<sup>59</sup> Many citizens were manipulated to believe that their fundamental mission would require them to report on political dissidents and opposition activists to the relevant authorities.

The question then emerges, should these informants be held responsible for redressing their unjust treatment of the dissidents?

Not necessarily so. The key crux to the answer rests with the extent of *manipulation*. Despite existing disputes over the definition and wider normative defensibility of manipulation, a working account can be found in John Christman's

authoritative 1991 account, which focuses on the “conditions of the formation of the [desires]” possessed by individuals. He draws the connection between the absence of manipulation and autonomy as follows:

- i) A person P is autonomous relative to some desire D if it is the case that P did not resist the development of D when attending to this process of development, or P would not have resisted that development had P attended to the process;
- ii) The lack of resistance to the development of D did not take place (or would not have) under the influence of factors that inhibit self-reflection, and
- iii) The self-reflection involved in condition (i) is (minimally) rational and involves no self-deception.<sup>60</sup>

Manipulation refers to all the factors in (ii) that inhibit individuals’ “rationality and self-awareness”, by limiting a person’s reflective capabilities, as defined by minimal rationality and self-awareness.<sup>61</sup> From drugs and education techniques, which Christman cites, to government propaganda and deeply rooted social conditioning, it is evident that individuals’ autonomy over their desires can be underpinned by these exogenous factors acting on them. State manipulation, as Avia Pasternak notes, is particularly an issue in non-democratic countries.<sup>62</sup>

If autonomous citizens in support of the regime come to the independent conclusion that they should report on dissidents, and indeed do so accordingly, then it is evident that they should bear moral responsibilities for the suffering of the dissidents and activists. On the other hand, for citizens who experience significant manipulation, they should not be deemed blameworthy for failing to oppose a deeply unjust and manipulative political structure. There may be good reasons to help them appreciate the truth about their state, but these reasons do not spill over into justifying moral responsibilities that they must themselves bear.

Previous discussion has established the reasons as to why the *Negligence* and *Culpable Inaction* Accounts may not be of much help in identifying appropriately *responsible* agents in the particular authoritarian contexts we are examining. This is not a criticism of these accounts per se; nor, indeed, should our objective be to find *as many as possible* agents to take up reparative responsibilities, whilst ignoring the sparse justificatory basis for their doing so. With that said, when it comes to the second part of the third desideratum (3a) of *Adequate Resolution* – of tackling the real and pressing reparative burden – the above views do leave much to be desired.

### Beneficiary Pays Account

The fourth DDA account to consider is the Beneficiary Pays Account (BPA). The BPA holds that individuals who benefit from injustices possess the tentative responsibilities to redress them. Daniel Butt argues the following:

The individual’s duty not to benefit from another’s suffering when that suffering is a result of injustice stems from one’s moral condemnation of the unjust act itself. In consequence, a duty to disgorge (in compensation) the benefits one gains as a result of injustice follows from one’s duty not to so

benefit. . . . Taking our nature as moral agents seriously requires not only that we be willing not to commit acts of injustice ourselves, but that we hold a genuine aversion to injustice and its lasting effects. We make a conceptual error if we condemn a given act as unjust, but are not willing to reverse or mitigate its effects on the grounds that it has benefited us.<sup>63</sup>

Applying the BPA logic to the context of state-perpetrated injustices yields the following:

Firstly, some individuals *benefit* from state-perpetrated injustices. This seems rather uncontroversial: whether it be political leaders and their cronies and associates in dominant-party regimes (I), personalist (III) or monarchic (IV) regimes, or members of dominant ethnic majorities under oligarchic (V) and hybrid (VII) authoritarian regimes, there are clearly groups that benefit from the mass killings, land redistribution, targeted suppression and exclusion of minorities and opposition pursued by the ruling regimes.<sup>64</sup> Indeed, it is such benefiting that provides the political rationale and instrumentalist motivation underpinning such unjust acts.

Secondly, taking the nature of moral agents seriously requires that beneficiaries not only be willing to refrain from committing acts of injustice themselves, but that they are *genuinely averse to injustices and their remote effects*. Note – this is not a description of empirical psychology, but a prescription concerning what is normatively just. If these agents *do* act morally, they must do so in a way that extends beyond not committing injustices, but also actively abhorring and expressing opposition to injustices.

Thirdly, we must be conceptually consistent. If we do condemn an act as unjust, provided that the costs of so doing are minimal, we must also act consistently by opposing, undoing, and mitigating the damage inflicted by the act. Otherwise, we would become what Jeffrie Murphy views to be “moral slime who should be shunned by all decent people”, just as individuals who refuse to rescue strangers in distress.<sup>65</sup> Beneficiaries from state-perpetrated injustices may not have *enforceable* duties to refrain from entering into “slime territory”, but there are fairly strong reasons amounting to *non-enforceable* duties for them to at least disgorge the benefits received.

It is worth disaggregating beneficiaries into distinctive categories. *Voluntary beneficiaries* are individuals who could avoid receiving the tainted benefits yet opt to receive such benefits (Group A). Inevitable beneficiaries are individuals who could not avoid receiving the tainted benefits. Inevitable beneficiaries who nevertheless come to retrospectively embrace such benefits can be termed *welcoming beneficiaries*, per Avia Pasternak’s nomenclature (Group B)<sup>66</sup>; those who could not avoid benefiting and who do not ever embrace such benefits are hence *involuntary beneficiaries* (Group C). The basic presumption across these three groups is that they are all aware of the nature of the injustice from which they benefit.

*Ignorant beneficiaries* (Group D) who are completely unaware of the fact that they are benefiting from injustices are presumably not covered by Butt’s rationale above. For these individuals, it would beggar belief to assert that their receipt of benefits amounts to a form of conscious and voluntary moral inconsistency – given

their utter oblivion of the background circumstances and origins of the benefits they receive.

Per the BPA, citizens benefiting actively from their states' injustices should thereby take up some of the responsibilities for the effects of these injustices. In parcelling out responsibilities for beneficiaries from specific injustices under Suharto's Indonesia or Marcos' Philippines, the BPA is not looking for beneficiaries who have become generally better-off *as a result of their rule*, but who are enriched by *the very specific injustice of X*. In lieu of looking for *general* beneficiaries, we are seeking out beneficiaries from each and every episode of state-perpetrated injustice on a case-by-case basis, in order to pick out and determine the degree of reparative responsibilities they must bear.

The BPA, as with the prototypical PLA, then comes across as a fairly promising DDA that zeroes in on the relationship between agent and injustice. Indeed, it applies well to most beneficiaries who fall into Group A – who, knowing fully well that they are benefiting from injustices, choose to do so. It also applies well to most members of Group B, given Pasternak's observation that "[p]ut differently, the welcoming beneficiary would not have refused the wrongful benefit, even if such refusal were optional".<sup>67</sup> There is alignment between the beneficiary's positive attitudes and their benefiting from the wrongdoing.

With that said, it is extremely difficult in authoritarian contexts for the identities of these beneficiaries to be adequately and clearly established, given logistical, bureaucratic, and informational barriers.<sup>68</sup> These are concerns that should give us much grounds for rethinking when it comes to the *practical infeasibility* (Desideratum 3b), or the resultant *undershooting* due to a failure of identification (1) of implementing the BPA as a principle of reparative justice in authoritarian states.

Furthermore, whilst we should be open to the thought that beneficiaries from injustices can develop blame-less liabilities to redress these wrongdoings, the assertion that benefiting from injustices thereby renders one what Butt dubs "moral slime" is fundamentally implausible.

For one, coerced, involuntary beneficiaries (Group C) clearly should not accrue the liability to redress despite their benefiting from the wrongdoings. Citizens cannot easily opt out of the plurality of goods and services – including many public goods (e.g. infrastructure, defence, security) – provided by the authoritarian state through the plethora of injustices it perpetrates. This applies in particular to citizens who are extensively repressed by their *authoritarian states*, which nevertheless deliver upon key economic dividends and benefits for most citizens – for instance, oppressed dissidents living in the Republic of Korea under Park Chung-hee.<sup>69</sup> In Castro's Cuba, a vast majority of jobs are government-controlled and -determined, such that it would be extremely difficult for one to work for employers and earn a comfortable living wage whilst remaining wholly detached from state influence or sponsorship.<sup>70</sup> Emigrating from authoritarian states, which allows one to theoretically "avoid" benefiting from the injustices of their state, is economically costly, is bureaucratically laborious, and could even result in castigation and ostracisation.

Citizens may enjoy the benefits of injustices despite *believing* strongly they should not do so – yet have no recourse for their sense of guilt. In short, these

benefits are unavoidable; these individuals are inevitable beneficiaries. Notably, these citizens may possess independently grounded reasons to redress the injustices – and we shall turn to exploring them later. Yet in benefiting alone, they are behaving in a way that is not morally blameworthy, given the costliness and infeasibility of foregoing these benefits. Whether it be Groups C or D, it is evident that the BPA has limited travelling power in authoritarian states.

As for those in Groups A and B, who refuse to condemn the injustices – or to forego their benefits – we would still have sound grounds to criticise them, but it strikes me that it would be erroneous to criticise them for their *benefiting* per se; instead, the criticism should be targeted towards their apathy and failure to exhibit the “appropriate sensitivity to the interests and moral status of victims” of injustices, per Shiffrin.<sup>71</sup> Only if these individuals exhibit such attitudes towards the occurrence and victims of injustices, should they be deemed reparatively responsible and thus liable to costs *qua* “moral slime”. Yet benefiting – at least per the prototypical BPA – is not what is performing the legwork here; instead, it is the attitudes held towards others’ suffering.

## Recap

We should remain clear-eyed about the fact that select DDAs can and will continue to play a role in how we understand responsibilities in authoritarian states. Yet, as robust and explanatorily powerful as certain DDAs may be, there exist clear limitations and defects to their applicability to authoritarian states. An alternative set of frameworks must be devised and applied. Indeed, in the next chapter, we shall turn towards examining and evaluating how the chief alternative to DDAs – *Indirect Distribution Accounts* (IDAs) – fare in authoritarian contexts.

## Notes

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- 2 See Holly Lawford-Smith, *Not in Their Name: Are Citizens Culpable for Their States’ Actions* (Oxford: Oxford University Press, 2019); Daniel Butt, “‘A Doctrine Quite New and Altogether Untenable’: Defending the ‘Beneficiary Pays Principle’,” *Journal of Applied Philosophy* 31, no. 4 (2014): 336–348; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974). See critiques from Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011) and Pasternak, *Responsible Citizens*.
- 3 Bennet Francis, “Citizenship as Strict Liability: A Review of Avia Pasternak’s *Responsible Citizens, Irresponsible States*,” *Ethics and Global Politics* 15, no. 4 (2022).
- 4 Pasternak, *Responsible Citizens*, Chapter 1.
- 5 Lawford-Smith, *Not in Their Name*.
- 6 Anna Stilz, “Are Citizens Culpable for State Action?” *Politics, Philosophy, and Economics* 22, no. 4 (2023): 381–406.
- 7 Peter Strawson, “Freedom and Resentment,” in *Perspectives on Moral Responsibility*, eds. John Martin Fischer and Mark Ravizza (Ithaca: Cornell University Press, 1993), pp. 45–66.
- 8 John Mackie, “Causes and Conditions,” *American Philosophical Quarterly* 2, no. 4 (1965): 245.

- 9 Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," *Journal of Philosophy* 66, no. 23 (1969): 829–839.
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- 13 See Alex Zakaras, "Complicity and Coercion: Toward an Ethics of Political Participation," in *Oxford Studies in Political Philosophy*, eds. David Sobel, Peter Vallentyne, and Steven Wall (Oxford: Oxford University Press, 2018), pp. 192–218 for a fairly substantive and instructive discussion of the normative significance of coercion in cases of responsibility assignment.
- 14 Jeanne Guillemin, *Hidden Atrocities: Japanese Germ Warfare and American Obstruction of Justice at the Tokyo Trial* (New York: Cornell University Press, 2017); see Richard Evans, *The Third Reich in History and Memory* (New York: Oxford University Press, 2015), pp. 133–138 for ways in which the initiative and beliefs of high-ranking Nazi officials prompted them to commit mass atrocities.
- 15 See Robert Jubb, "Participation in and Responsibility for State Injustices," *Social Theory and Practice* 40, no. 1 (2014): 51–72 for a germane discussion of examples of such secrecy, but also Endre Begby, "Collective Responsibility for Unjust Wars," *Politics* 32, no. 2 (2012): 100–108.
- 16 Pasternak, *Responsible Citizens*, Chapter 1.
- 17 Pasternak, *Responsible Citizens*, p. 44.
- 18 Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 120.
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- 26 Pasternak, "Review of *Not in Their Name*."
- 27 Lawford-Smith, *Not in Their Name*, p. 32.
- 28 Lawford-Smith, *Not in Their Name*, p. 41.
- 29 Lawford-Smith, *Not in Their Name*, p. 97.
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- 31 Lawford-Smith, *Not in Their Name*, p. 4.
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- 34 Lawford-Smith, *Not in Their Name*, p. 78.
- 35 Brenna Artinger and Michael Rowand, "When Buddhists Back the Army," *Foreign Policy*, February 16, 2021, <https://foreignpolicy.com/2021/02/16/myanmar-rohingya-coup-buddhists-protest/>.

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- 40 Lawford-Smith, *Not in Their Name*, p. 4.
- 41 Seana Shiffrin, "The Moral Neglect of Negligence," *Oxford Studies in Political Philosophy* 3 (2017): 197–228.
- 42 Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton, NJ: Princeton University Press, 2012).
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- 44 Beerbohm, *In Our Name*, Chapters 1 and 2.
- 45 Beerbohm, *In Our Name*, p. 25.
- 46 Stilz, "Are Citizens Culpable," p. 391.
- 47 Jonathan White and Lea Ypi, *The Meaning of Partisanship* (Oxford: Oxford University Press, 2016), pp. 62–63.
- 48 Stilz, "Are Citizens Culpable," p. 393.
- 49 Stilz, "Are Citizens Culpable," p. 394; also cf. Shiffrin, "The Moral Neglect."
- 50 We shall return to this question in Chapters 5–7.
- 51 Samuel Farber, *Cuba Since the Revolution of 1959: A Critical Assessment* (Chicago: Haymarket Books, 2011); David E. Hoffman, *Give Me Liberty: The True Story of Oswaldo Payá and His Daring Quest for a Free Cuba* (New York: Simon and Schuster, 2022).
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- 54 Erica Chenoweth, Evan Perkoski, and Sooyeon Kang, "State Repression and Nonviolent Resistance," *The Journal of Conflict Resolution* 61, no. 9 (2017): 1950–1969; Jennifer Earl, "Introduction: Repression and the Social Control of Protest," *Mobilization: An International Quarterly* 11, no. 2 (2006): 129–143; Johannes Gerschewski, "The Three Pillars of Stability: Legitimation, Repression, and Co-Optation in Autocratic Regimes," *Democratization* 20, no. 1 (2013): 13–38.
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- 61 Christman, "Autonomy," 19.
- 62 Pasternak, *Responsible Citizens*, Chapter 4.
- 63 Daniel Butt, "On Benefiting from Injustice," *Canadian Journal of Philosophy* 37, no. 1 (2007): 143.
- 64 Chenoweth, Perkoski, and Kang, "State Repression and Nonviolent Resistance"; Farber, *Cuba Since the Revolution*, on the ruling party and its associated cronies; Mason, "Glasnost," on the entrenched apparatchik and beneficiaries from the Soviet apparatus; Artinger and Rowland, "Buddhists" for a more contemporary example of Buddhist supporters and apologists for the military junta in Myanmar.
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- 67 Pasternak, "Voluntary Benefits," p. 384.
- 68 Pasternak, *Responsible Citizens*, Chapter 1.
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## 4 Indirect Distribution Accounts

No DDA, of course, makes the claim that it is the only account that should be applied to state-perpetrated injustices. Yet each of the DDAs surveyed above runs the risk of overshooting and undershooting when it comes to identifying agents who should be held liable to redress the injustices (Desideratum 1). It is for this reason that we should turn now to considering a fundamentally different approach.

Recall that we have classified accounts of reparative justice based on the extent to which they are primarily centred around citizens' relations with the specific injustices, as opposed to their states in general. Accounts that focus on the latter are thereby *indirect*, insofar as they are not concerned with whether individual citizens are contributors, beneficiaries, or perpetrators of the state-perpetrated injustice, but with the quality and strength of the relationship between citizens and the state on the whole.

Hence, consider *Indirect Distribution Accounts* (IDAs), which share two common propositions:

Firstly, IDAs do not hold the direct relationship between the individual and the injustice in question to be the key to the assignment of liability. They hold that beyond the feasibility and costliness concerns that render direct approaches hard to implement in contexts with scarce resources, they also fail to capture something vital about the unique relationship between the state and its citizens – that the latter are involved in and constituents of the former, which serves as their political representatives.

Some IDAs take the political relationship between the state and its citizens to be distinctive grounds for reparative responsibilities. In democracies, as David Miller notes, Pasternak argues that “citizens can be held responsible for their state only if they contribute to maintaining it by acting as intentional participants in its activities”.<sup>1</sup> Robert Jubb similarly focuses on “the nature and extent of citizens’ responsibility for the structure and acts of the political order they share.”<sup>2</sup> Others such as Iris Marion Young’s structural injustice-centric account<sup>3</sup> focus more on citizens’ relations with the background conditions and loosely defined structures, and how they give rise to particular forward-looking responsibilities.

Secondly, the level of responsibilities – and the costs they are expected to shoulder – should be roughly evenly distributed across all individuals. That is, it is generally the case that citizens should bear the same level and amount of

responsibility for the injustices committed by their state. In setting out the tentative case for *non-proportional distribution* approaches, Pasternak notes that “in the case of moral transgressions committed by states, responsibility for moral transgressions indeed need not fall in proportion to who committed or caused the moral transgression”.<sup>4</sup> In the event that the government is willing to step up to redress the injustice, it should not attempt to trace the distribution of responsibilities to the sources and origins of the injustice or apportion the costs for such redress based on its estimation of citizens’ purported blameworthiness for specific wrongdoings.

This chapter begins by considering Christopher Kutz’s seminal account of complicity as a starting point to be applied to analysing state-perpetrated injustices. A modified reconstruction of Kutzian theory will reveal several concerns over its coherence, theoretical independence, and applicability to circumstances of coercion. We will then proceed to consider a Neo-Kutzian view, before exploring an approach championed by Avia Pasternak in her recent work, on the participation-centric account of citizen responsibilities.

This chapter concludes with the structural injustice tradition – an approach that offers robust and novel insights on how individual citizens may possess forward-looking, political responsibilities to rectify injustices, on the grounds that they are situated within and constantly interacting with injustices that result from large-scale societal processes. Despite its many merits in justifying compellingly the indirect distribution of forward-looking responsibilities for justice to individuals with no directly delineable contributions to injustice, Young’s account, as well as subsequent structural injustice-centric amendments by theorists such as Maeve McKeown, runs into two fundamental obstacles in authoritarian states, which leaves the account both *overshooting* and *undershooting*.

The takeaway from this chapter is not that IDAs are defective and flawed, but that they may fail to account for certain contexts in which intentional citizenship-centric accounts set an excessively high threshold for responsibility and hence *undershoot* (contra Desideratum 1), whilst structural injustice-centric accounts are by far too indiscriminate in holding individuals responsible and hence *overshoot* (1), with *poor theoretical justification* (2).

### The Orthodox Complicity Account

In *Complicity: Ethics and Law for a Collective Age*, Kutz provides a highly constructive, comprehensive account of complicity. He holds that “individuals are the ultimate loci of normative motivation and deliberation”, and, on a practical and forward-looking note, only “accountability aimed at and sensitive to what individuals do can succeed in controlling the emergence of collective harms”.<sup>5</sup>

To what extent can individuals operating within a group be held responsible for injustices committed by the group? Kutz’s primary thesis is that within groups, *intentional participation* in the group project suffices in rendering individuals involved in the joint activities undertaken for the project responsible for the outcomes of the group’s actions. In other words, it is the collective *action* by members of a group, and not the formal membership of the group, that grounds their

responsibility. The rather complex account advanced by him is best summarised through the following three premises:

- Premise 1: Individuals within a group  $\{P_1, P_2, \dots, P_n\}$  are *complicit* in some joint act  $G$  resulting in an unjust outcome  $Z$  if i)  $\{P_1, P_2, \dots, P_n\}$  possess the collective intentions to  $G$ , ii)  $\{P_1, P_2, \dots, P_n\}$  in fact perform their part in  $G$ , and iii)  $G$  causes or contributes to  $Z$ ;
- Premise 2: An individual's complicity in  $G$  causing  $Z$  would give rise to some kind of *normative responsibility* on their part to redress  $Z$  (what Kutz terms "accountability");
- Premise 3: The responsibility to redress  $Z$  is best understood through the lenses of *moral liability* (which is not necessarily blameworthiness), as opposed to merely legal liability.

### *Premise 1*

Notably, Kutz advocates a more expansive, *minimalist* conception of collective intentions to  $G$  – one he terms *participatory intentions*. In clarifying what it means for  $\{P_1, P_2, \dots, P_n\}$  to share the same *participatory intention*, Kutz posits that there exist two criteria:

- 1) Each member possesses *shared goals* with others concerning the eventual outcomes anticipated to result from their  $G$ -ing;
- 2) All members must possess the *intentional commitment* to promoting the group act. Each member intends to do their part in promoting the group activity; they view their individual actions as instrumentally contributory towards the goals desired by the group, as per b). Commitment to the group act and goals need not entail commitment to particular outcomes.<sup>6</sup>

A question remains over 1) – what are the necessary prerequisites for some intention to be meaningfully ascribed to individuals? Kutz believes the only necessary condition is that per a *reasonable description* of the  $\{P_1, P_2, \dots, P_n\}$ 's activities, there exists sufficient overlap in intentions. Yet what exactly amounts to a reasonable description? Kutz posits that determining the answer is a fundamentally pragmatic exercise – it depends on the exact objectives that the answerer possesses. There are, however, several guiding principles:

First, the possession of a participatory intention does not require that participating agents expect that others would necessarily join, but that it is *possible* that others do join them. Second, participants need not intend for the entire joint project to be realised – so long as they intend for *some* of the collective goals to be accomplished under the project.<sup>7</sup> Third, so long as the participating agents' actions feature an awareness and acknowledgement of other agents' presence in their plans, then they could be dubbed to be in possession of a participatory intention that *overlaps* with others' participatory intentions. Fourth, Kutz's conception of complicity tracks actions – he presumes that complicity can only be ascribed to actions performed by individuals, as opposed to incidental mental states possessed by individuals.

It is further assumed that  $\{P1, P2, \dots, Pn\}$ 's collective G-ing does, in fact, contribute towards Z, and that each of  $\{P1, P2, \dots, Pn\}$  does, in fact, perform their part in G. Contribution here is not interpreted by Kutz as a *counterfactual-sensitive concept* – that is, even if in the absence of P1 performing their part in G, Z would have occurred, this does not preclude P1 from being a contributor. For instance, in a gang of five beating an innocent victim to death, even if the victim would have died in virtue of the injuries inflicted by the other four out of the five gang members, the fifth member who takes part in the beating remains a contributor to his death – and hence complicit in the murder.

### Premise 2

Granting Premise 1, why should the individuals  $\{P1, P2, \dots, Pn\}$  therefore be held normatively responsible? Crucially, Kutz believes that the individual's "intention to participate in a collective act (e.g. G)", both motivates and rationalises their specific action. Citing two hypotheticals, where "a pacifist takes a job at the nuclear weapons plant, because it is the only job available; an accountant processes the astonishingly large receipts of a pizza parlor, not inquiring too carefully into their explanation", Kutz argues these are "cases in which the collective activity is jointly intentional and the product of individual intentional participation, for they involve individuals who see themselves as acting in concert, contributing to a collective end [even] though they disavow that end".<sup>8</sup> The accountant may not approve of the pizza parlour's activities, yet is complicit in its continued operations and the downstream consequences of which the individual is aware of the possibility.

He insists that it would be reasonable to view these individuals as contributing intentionally towards the collective end, even if they do not, personally, agree with or support such an end. This is because they are *sufficiently knowledgeable* of the fact that they will *likely* contribute to Z's occurrence, such that even if they do not intend for their G-ing to contribute to Z, or for Z to occur, they can still be deemed as having participated in bringing about Z. Kutz also notes so long as one is aware of the *possibility* of one's contributing to Z, one's expressing an affirmation of Z, or one's complying with norms internal to Z, such minimal awareness suffices in rendering one *accountable* over one's complicity in the joint action.<sup>9</sup>

### Premise 3

Fundamentally, Kutz's conception of the particular type of responsibility remains unhelpfully amorphous. He never explicitly stipulates whether his brand of responsibility necessarily comes with blame or praise – opting instead for the negative thesis: that the complicit actors involved are *liable* to the costs of redress in a way that extends beyond mere legal liability.<sup>10</sup> Whilst he offers no determinate statement over whether complicit actors must therefore be deemed blameworthy for their actions, he does argue that complicitous accountability requires openness to responses that are tailored uniquely to the roles borne by individuals in the shared projects.

If we grant that Kutz views complicit actors as morally distinct from those who are non-complicit in ways that reflect upon our judgements “about their character and conduct”,<sup>11</sup> then we could plausibly hold that some degree of moralised resentment – and hence blame – can be reasonably apportioned to individuals who violate particular moral duties of theirs, or rights of others. Indeed, he himself suggests our intentionally participating in a group act “expresses what we desire, what we will tolerate, and what we believe”, which opens us up to others’ judgement and appraisal of our moral characters.<sup>12</sup>

### The Neo-Kutzian Account

Before applying Kutz’s view to citizens in authoritarian states, we must address a serious shortcoming across both authoritarian and non-authoritarian contexts. Kutz’s contribution is explanatorily valuable precisely because he seeks to explain why individuals can be deemed tentatively responsible for injustices uniquely on the basis of reasons centred around complicity, as opposed to their being perpetrators, beneficiaries, or members of collective agents. As such, if the complicity account were to be reduced fundamentally into the PLA (Chapter 3), Kutz’s intervention would thus lose much of its unique value, save for providing further reasons for us to believe that *intentional perpetrators* of injustice should be held responsible. Per Desideratum 2, ideal accounts of reparative justice should provide the right explanation and defence of responsibility, without imposing excessively costly demands on individual agents.

The following will demonstrate that, as it stands, it is either the case that Kutz’s account is theoretically redundant, or it unjustly holds responsible individuals who are not (overshooting). Kutz’s account runs into what Herlinde Pauer-Studer terms the problem of *proper action description*.<sup>13</sup> Consider:

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

Here, it is evident that the shopkeeper is aware of the likely consequences of his selling the gun to the criminal. He is also well cognisant of the gun sale playing a contributory role in the wrongdoing that will likely result. The shopkeeper is thus complicit. Now contrast this with:

*Hedge Cutter.* The hedge in a man’s backyard that is the last habitat of a near-extinct species of insects. Whilst he is (vaguely) aware of the possibility – trivially – that insects reside in the hedge, he does not *know* that this hedge in fact houses an insect species verging on extinction. There are around ten other hedges containing the insect, all of which have been recently mowed down. He mows down the hedge, and the species is permanently extinct.

Per Kutz’s criterion, the cutter is trivially aware there exists a trivial chance that the tree houses some insects that are *on the cusp of extinction*; he also acts in a way that

clearly contributes towards the extinction of the species, though many others have performed their part through environmental destruction and degradation beforehand. Yet it seems unduly harsh – and unreasonable – to deem the man as complicit in *causing the extinction of the species*. The exact description used to describe the individual agent's intentions does matter.

More generally, Kutz does not provide us with ample information on the standards we should deploy in delineating clearly the correct *description* for complex, multifaceted situations where numerous descriptions are plausible. Is the hedge cutter best described as cutting down a hedge, fixing the aesthetics of his backyard, killing insects, or contributing to biodiversity loss on Earth? Kutz intends to keep his definition of joint action as minimal as possible, so as to allow for the identification of responsibility in cases of “intentional participation by cognitively vague, alienated, or dyspeptic agents [. . . in order to] make sense of collective action in familiar circumstances of routinized cooperation, hierarchical authority, and compartmentalized information”.<sup>14</sup> Yet as Nicholas Boulton notes in his account of epistemic complicity, “the more deflationary he [Kutz] goes on participatory intentions, the more he runs the risk of counting too many agents as complicit”.<sup>15</sup>

Consider instances where individuals participate in processes without at all intending for the particular outcomes to follow. Specifically, there are individuals who harbour a strong negative preference against the eventual outcomes that causally result from their actions (e.g. the hedge cutter above may vigorously hold the *ex ante* preference that they do not kill off the last of any species). Such a dis-preference matters in helping us understand the exact “scope” of intention encompassed by the act. They are aware of the abstract possibility that their actions *could* result in the detrimental outcomes, but such mere awareness should not imply a sufficiently meaningful relationship between agent and injustice.

In response, perhaps individuals can be held accountable – even if they are subjectively ignorant or seeking to compartmentalise their intentions – if they have independently grounded obligations to be aware of the connection between their actions and certain outcomes. Even if they are not *subjectively aware* of the possible consequences, they *objectively should be* given their roles. Pauer-Studer conditionally endorses this move, in noting that individuals' *role-specific* normative commitments and basic requirements concerning their moral reasoning (e.g. consistency, coherence, and intelligibility) render it the case that external observers can assign to individuals corresponding responsibilities grounded in their roles.<sup>16</sup>

Let us term the Kutzian view after this amendment the *Neo-Kutzian account*:

Premise 1\*. Premise 1, but specified as follows: {P1, P2, . . . , Pn} are complicit if they a) are aware that their participating in G-ing will likely lead to some injustice Z, or b) possess role-specific normative requirements, stemming from their professional identities and entailed commitments, to be aware of this fact. The correct standard of action description is determined by looking at individuals' professional roles.

Premises 2 and 3 remain unchanged.

*Applying the Neo-Kutzian Account to Authoritarian Contexts*

In applying the Neo-Kutzian account to authoritarian states, let us consider the Russian invasion of Ukraine. The war campaign has been backed by a vocal and politically influential coalition of wealthy oligarchs, military generals, intelligence officers, bureaucrats, and cronies of Vladimir Putin. These individuals were in turn echoed by a large chorus of online commentators – including both paid shills affiliated with the Russian state, and true believers.<sup>17</sup>

Whilst most backers involved would not necessarily be directly involved with the violence and bloodshed on the frontlines, it was clear that these genuine backers (a) undertook at least some act that causally contributed towards the Russian invasion efforts (e.g. assembling ammunition, paying taxes, backing the military), and (b) held collective intentions that met Kutz's stipulations concerning complicity. Individuals who voluntarily, autonomously backed the Russian invasion can be deemed responsible for redressing at least some of the egregious injustice's effects on Ukrainian citizens and beyond.

More generally, across most MDAS, as well as dominant-party (I) with popular support, military (II), oligarchic (V), authoritarian states, there exist arms subcontractors and suppliers to the state who operate in what Jinyu Sun terms a relatively "free space"<sup>18</sup> of information and understanding, with ample knowledge and awareness of a) the relationship between their individual actions (e.g. supplying ammunition) and the collective act G (e.g. invasion of Ukraine), and b) the link between G and the ensuing injustice Z (deaths of Ukrainian citizens). There are also individuals for whom it would be *reasonable* to suggest, per the Neo-Kutzian account, given their roles and responsibilities, that they should be aware of both (a) and (b) and are hence complicit.

*Two Enduring Worries*

There remain, nevertheless, two enduring worries for the Neo-Kutzian approach.

*Manipulation*

The first issue is that it *overshoots* – and causes us to assign moral responsibility to individuals who should not, in fact, be held responsible, after all. It fails to exhibit sensitivity towards the existence of manipulation. Citizens may be *complicit* in the wars prosecuted by their regimes as a result of highly effective brainwashing, conditioning, or implicit psychosocial engineering that falls well short of meeting the particular threshold of coercion. Whilst such manipulation is much easier to defy or evade under democratic states, where media debates, public discourse, and alternative viewpoints are more likely to be permitted, it remains intractably potent in authoritarian states.

Consider grassroots regime loyalists in Russia, who contribute significant political and psychological support to the ongoing war efforts pursued by the Kremlin. It is clear that through their actions – independent of whether they actually contribute

towards a counterfactually significant difference – these individuals are thereby sustaining the Russian state’s fiscal reserves, infrastructural stability, and prosecution of the unjust war. Yet are they thus responsible for redressing the victims of the Russian invasion in Ukraine?

On manipulated agents, Kutz does not possess a clear proviso (unlike what he views to be the appropriate response to coerced agents, which is to exclude them from responsibility). His account does not explicitly rule out manipulated agents from the scope of complicity and hence correspondent responsibility – though he does leave open here the possibility that they should be assigned lower levels of responsibilities as compared with their counterparts that are not complicit. This, I would submit, does not take seriously the pervasiveness of manipulation in contexts such as the authoritarian state. In relatively serious cases of manipulation, individuals wholly lose the capacity to act otherwise – and are hence unable to act autonomously – as a result of the intentionally designed and implemented mechanisms aimed at influencing their preferences, beliefs, and actions.<sup>19</sup>

### *Theoretical Independence*

The second issue is that the Neo-Kutzian account lacks theoretical independence. Granting Pauer-Studer’s amendment certainly strengthens the normative justifiability of Kutz’s account of complicity. Yet this move also significantly undercuts the extent to which the resultant account has to do with complicity. Given their professional identities, experiences, and relations, agents who should be sufficiently aware and yet are not, could be said to be culpably *negligent* if their actions result in particular injustices.

Yet what is doing the legwork here is these professional duties in the background – as opposed to the first-order complicity by these individuals. The failure to discharge particular duties, not the possession of certain participatory intentions vis-à-vis unjust acts, is what gives rise to reparative responsibilities on the part of the agent. If the account is to be independently applied to the context of state–citizen relations, it must have a more independent contribution to offer.

### **Intentional Citizenship Account**

A view that can take seriously the possibility of manipulation, clarify precisely the kind of responsibility at stake, and offer independently grounded reasons as its justificatory and explanatory basis, would likely be a more compelling account of responsibility. In particular, an *Indirect Distribution Account* of liabilities over state-perpetrated injustices can be developed accordingly – one that submits that, short of particular exceptions, all citizens residing under particular states can be held liable to redress the injustices perpetrated by said states.

In her 2021 book, Pasternak articulates an exhaustive account of *intentional citizenship*. Intentionally exercising their rights as citizens of a particular state and contributing towards the particular joint project of the state is a sufficient condition for citizens to be attributed at least a *secondary role* in relation to state-perpetrated

injustices, and hence liable to redress the costs of state-perpetrated injustices. So long as they actively participate in activities of their *state*, citizens do not need to intend for, directly contribute towards, and perpetrate, or be culpably negligent in relation to *particular injustices*, in order to be held reparatively responsible. This is because “when we choose to act with others, or in the service of a collective goal, we consciously give up full control over what these others will do, and over the outcome of our shared endeavor”.<sup>20</sup>

In order for their participatory intentions in their *state* to be normatively salient in grounding liabilities, citizens must be:

- a) *group members* per membership rules (i.e. official citizens);
- b) *reflectively aware* of their membership (citizenship) status;
- c) *cognizant* of the broad collective goals and activities of the group, as well as the fact that they may be ignorant of particular group activities, and
- d) *voluntarily* – not as a result of coercion or manipulation – *members* of the group.<sup>21</sup>

These four conditions, which we can collectively term the *Conditionality Premise*, clearly go a long way in addressing concerns related to coercion raised above concerning the Kutzian and Neo-Kutzian accounts. Provided these conditions are satisfied, Pasternak then grants a fairly capacious interpretation of participatory acts – “intentional citizens [. . . participate] in a very wide range of their state policies, including those they made marginal contributions to, those they disagree with, those they publicly protested against, and those they did not know about”.<sup>22</sup>

### *Applying Pasternak’s Intentional Citizenship Account to Authoritarian States*

Political scientist Juan Linz argued that for a regime R to qualify as authoritarian, it must lack mass mobilisation.<sup>23</sup> Pasternak largely draws upon his typology differentiating between authoritarianism and totalitarianism – she posits that “while mass political participation is typical of totalitarian states, it is by far less prevalent in what Linz calls ‘authoritarian states’ . . . which allow for some degree of political pluralism [. . . but] discourage their citizens’ political participation, preferring low levels of political mobilization and political apathy”.<sup>24</sup>

Yet I diverge from Pasternak in her empirical characterisation of non-democratic states. Authoritarian states do not necessarily lack meaningful participatory political action from citizens. Various authoritarian states often do resort to mobilising the masses as a means of drumming up support for the unitary executives. This is the case especially for *populist authoritarian* states – where the state’s political leaders draw upon extensive personal charisma and political strength to dynamically lead and co-opt a coalition of key, broad-based working-class groups. Historical examples for populist authoritarianism with extensive mobilisation efforts include Argentina under Juan Perón’s distinctive political ideology (Peronism) or China during the Great Leap Forward and the Cultural Revolution in the 1960s and 1970s.<sup>25</sup>

Furthermore, we should not conflate *mobilisation* with *participation* – the former may denote, as it could be reasonably seen, the kind of mass-centric, top-down-driven, frenzied crowd activities that may not be present in some authoritarian regimes; yet participation can in fact include a far greater range of activities – including ardent and affirmative speech-acts in favour of the tenets and ideology of the state, community-building activities on the local, municipal level (especially ubiquitous in authoritarian countries such as Myanmar and Philippines), or, indeed, providing resources and backing to unelected ruling politicians.<sup>26</sup>

Now, that citizens *participate* in the activities of their state alone is insufficient for them to be deemed intentional citizens. To what extent are the four criteria (a), (b), (c), and (d) in the *Conditionality Premise* substantively satisfied by authoritarian states? As expected, variations exist – whilst most authoritarian states could well meet some of the four stipulated criteria, few could satisfy all four.

Criteria (a) and (b) require that not only must intentional participants in the state objectively be, they must also be reflectively aware of their status as, citizens. Wave Six (2005–2009) of the World Value Survey asked respondents to comment on whether they viewed themselves as a part of their *country*. 92% of Russian respondents strongly agreed with this statement, and 97% did the same in Iran.<sup>27</sup> In Wave 5 of the *Afrobarometer* survey, 96.4% of respondents in Cameroon and 95.3% of respondents in Uganda noted attachment to their multi-ethnic and multi-national countries.<sup>28</sup> Granted, as flagged by Pasternak and many others in political sciences, the results of opinion polls conducted in authoritarian states – where individuals may engage in preference falsification or mis-reporting – should not be taken at face value. Yet it seems implausible to dismiss the results presented by such surveys as entirely skewed and unreflective of any *genuinely* formed sentiments and beliefs on the ground. As we shall establish later, there exist compelling reasons to think that at least some amongst these positive responses are indicative of genuine identification.

As for criterion (c), most citizens in authoritarian states experience varying degrees of structurally induced ignorance of state actions, due to overt or covert information manipulation. Sergei Guriev and Daniel Treisman make the case that “informational autocrats” prop up their domestic popularity through advancing active censorship, concealing state repression, as well as disseminating propaganda signalling their purported competence.<sup>29</sup> Citizens of these states could well be kept oblivious of the newest collective goals and objectives pursued by their governments, as well as the fact that they may be ignorant of such information. Across less repressive and more economically growth-oriented authoritarian states, however, citizens are likely to possess a wider range of liberties to know, debate, and engage in public discourse over governmental decisions.

These would include dominant-party states with sophisticated information dissemination and opinion collection mechanisms – such as provincial and local governments during China during the tenures of Jiang Zemin and Hu Jintao, who placed great emphasis upon engaging and sharing information on governmental practices with members of the national population viewed as amenable and conducive to the persistence of the governing coalition. These engaged individuals encompass a

wide range of occupations, including entrepreneurs and investors, technocratically minded academics, and the burgeoning managerial class in the country.<sup>30</sup>

Even under monarchic states with varying degrees of civil and political liberties, such as the UAE and Qatar, reformist leaders have sought to liberalise the flow of information as a means of improving state popularity and reputation abroad – with the latter crucial in attracting investment and talents from across the world.<sup>31</sup> As such, whilst they are certainly not privy to and should not be *expected* to know the exact details of their state's actions, it would be implausible to suggest that they are wholly unaware of the general nature of their state's actions. Criteria (a), (b), and (c) do in fact hold for select populations across various authoritarian states.

With that said, Pasternak still flags that her account is unlikely to hold for many citizens living in most authoritarian states, due to (d)'s not being fulfilled. She suggests that coercive actions by the state “undermine the idea that citizens accept their participation in the state” and the extent to which citizens' attachments to their states ought to be deemed as “genuine in a full sense, if they have been shaped in light of extreme forms of ‘brainwashing’”.<sup>32</sup>

I disagree partially. That most citizens experience significant manipulation and coercion in authoritarian governments is a claim that requires more examination: whilst this statement certainly holds for some states and some citizens under such states, as we saw in Chapter 3, it does not for others. Totalitarian states that “invade private life and asphyxiate it”, as well as drawing upon the personal charisma of their leaders, and a strong, overriding, irresistible ideology structuring the objectives and values of citizens residing within them, are likely to be insidiously manipulative.<sup>33</sup> Totalitarian political leaders, such as Fidel Castro, Josef Stalin, and Adolf Hitler, possess the capacity to create and impose narratives spurring unyielding loyalty and devotion amongst their followers. Under the extremely concentrated and heavily distortionary propaganda deployed by the state, to question state doctrines and political dogma is akin to a fundamental disavowal, would lead one to be questioned and ostracised by one's fellow, pliant citizens, who have become true believers. In these cases, manipulation is extensive, overt, and should be recognised as a sufficient ground for disqualifying most citizens from responsibilities for participation accordingly – unless they possess independent and non-manipulation-induced reasons to do so.

In contrast, in MDAS with a modicum of opposition and political competition (e.g. Turkey under Erdogan<sup>34</sup> and Montenegro since the end of the Cold War<sup>35</sup>) – hence *competitive authoritarian* – or with relatively low levels of citizen repression via censorship and a largely intact rule of law (e.g. British Malaya in the final years of the empire<sup>36</sup>), the level of institutional manipulation remains considerably limited. In these contexts, opposition media are by and large tolerated, with multi-partisan fragmentation and representation in the legislature or formal political apparatus, despite the clear and enshrined incumbency advantages accrued to the ruling governments. Pasternak herself acknowledges that “the fact that . . . citizens are relatively free to express their political opinions”<sup>37</sup> in certain kinds of less repressive non-democracies renders them less likely to be manipulated in these contexts.

### *Where the Intentional Citizenship Account Falls Short*

The Intentional Citizenship Account can hence indeed be applied to authoritarian states. There nevertheless exist three key issues that render it insufficiently persuasive and explanatorily defensible. The first concerns evidential underdetermination, the second concerns the ever-persistent problem of action description that afflicts the Kutzian account, and the third concerns the threshold at which individuals should be deemed *intentional participants* in state-perpetrated actions.

#### *Evidential Underdetermination*

To the first, there exists underdetermination in what, exactly, is demonstrated by the evidence cited by Pasternak. Pasternak draws extensively upon the *self-reported attachment* of individuals to their *countries* – which she takes to be indicative of their acceptance of membership in their *states*. Yet upon closer scrutiny, her methodology and evidence do not allow for sufficient, well-grounded differentiation between the two possible hypotheses:

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

The first claim revolves around participatory intentions in relation to citizenship, which grounds Pasternak's account; the second revolves around mental acquiescence, endorsement, or acceptance, which are attitudes that do not necessarily support complicity-centric claims. Indeed, the issue with Pasternak's methodology, or, generally, most mass polls and surveys, is that they do not sufficiently disambiguate between these two possibilities. It is difficult to design a survey that asks, "Would you say you accept/endorse your state, but do not necessarily intend to participate in its activities?" or the converse. It would be even less plausible to expect that people can answer these nuanced questions, drawing such fine distinctions with accuracy.

Yet this is where the indeterminacy arises.<sup>38</sup> That individuals reportedly identify with their state and possess an emotive connection to it does not entail that they intentionally or voluntarily participate in reproducing or maintaining the state.<sup>39</sup> It is unclear if the precise mental state held by these tentatively responsible agents is, in fact, "I am contributing towards my state", as opposed to "I believe my state is acting in my interest", or "I find my state a reasonable representative of me". If anything, both the evidence Pasternak cites and the argument she makes remain compatible, too, with an interpretation more distinctly anchored in endorsement – for example, what respondents opt to answer to those polls says less about their participatory intentions in relation to their states, and more about how they subjectively feel and/or what they believe about their governments. We shall revisit the empirics here later in this book.

*Scope Worry*

A further worry concerns the scope of responsibility. To illustrate what the subset included in 2) but excluded from 1) above looks like in more detail, consider the following:

*The Non-participating Endorser.* A citizen fully endorses their authoritarian government, yet does not participate in any joint project comprising a part of the state. They do not pay taxes, help maintain the public infrastructure, or indeed move about on publicly owned lands. They also firmly believe that the state is the right representative standing for their interests. Should we hold the citizen responsible for their state's injustices?

Notably, Pasternak does adopt a very capacious conception of what counts for participatory intention – for one, she terms the basic intention requirement to be one where, “In institutional groups – given the gap between the representational and motivational states of the members and those of the group – members intend to perform their roles in the maintenance of the corporate agency of the group, meaning its ability to generate independent goals and to execute them”.<sup>40</sup> There may hence be a way for her to hold the affirmative non-participant as either liable in virtue of their being indirectly complicit in their state or non-liable – hence biting the bullet – in cases where they are truly detached from all action.

Yet we can ratchet up the level of detachment experienced by the citizen in relation to *participation*, such that they cannot be said to be maintaining the corporate agency of the group. This can manifest in two ways – firstly, *complete free-riders* viewing themselves as entitled to the benefits they enjoy from the government in their state (whose authority they accept and recognise), yet who do not view themselves or actively participatory in the state project; secondly, *detached sympathisers* who mentally affirm and embrace their state's involvement in such extensive injustices, yet who do not at all partake in state-affiliated or -perpetrated joint projects. It would seem odd that individuals can “opt out of” responsibilities simply by becoming free-riders or detaching themselves from the state's activities – whilst retaining strong sympathies for their state's actions.

Fundamentally, Pasternak's account risks reading too much into the actions of individuals going about their everyday business, thus incurring the same problem of over-expansive action description afflicting Kutz's original account. Consider the average shopper purchasing groceries at a supermarket taxed by the government and with revenues going to corrupt local officials under the Soviet Union, or a janitor who continued to work at a university after it fell to Soviet state control in the early 1920s, without contributing to the dissemination of Russia propaganda and content, per se. In undertaking acts so mundane and anodyne, could the citizen thereby be said to be intending for participation in any *collective act*, let alone in “maintaining the state as a functioning group agent”?<sup>41</sup>

These intentional acts are ubiquitous – in authoritarian states, people drive using roads and bridges; they implicitly rely upon the police force and comply with

the law – in exchange for not being prosecuted by the state; they may even teach state-affiliated individuals or partake in production for supply chains that involve state-owned enterprises downstream. Yet in our parsing of their intentions, such specific intentional acts do not thereby suffice in rendering them intentional *citizens*. Citizenship is a much more substantive and comprehensive concept – one that features individuals possessing a clear orientation and understanding of both their governments and their relationships with their governments. The ordinary grocery-shopper or janitor working in a state-affiliated institution, who sees themselves as minding their own business and going about their daily routines, does not necessarily possess the requisite qualities to serve as intentional *citizens* – unless we take on a highly and counterintuitively capacious conception of what citizenship entails.

### *Informational Access Worry*

To retain the force of the account, Pasternak would likely emphasise the stipulation that the citizen must at least be aware of his possible contribution towards the state's operations, maintenance, and continued existence, in order for him to qualify as an intentional citizen. Alternatively, citizens can be said to be participants in state-perpetrated injustices, so long as their government is not behaving in ways that exceed its scope of formally defined authority, which thereby renders their actions *unforeseeable* by the public.

So long as citizens are aware of the possibility that their state could be concealing untoward actions and atrocities from them – that is, it has the tendency to obscure systemic rights abuses and violations that follow from its actions, then the purported secrets here would be merely *shallow* (and not *deep*). Deep secrets, in contrast, are domains of secret state-policymaking that ordinary citizens could not possibly have known of, whilst shallow secrets denote domains over which citizens are aware of their state's possible duplicity and/or discretionary rights – even if just *barely*, that is, without particularly specific knowledge.

In response, I believe the *bare awareness* of possibility is evidently insufficient for individuals to develop reparative liability on the grounds of complicity. It is often the case in authoritarian states (and certain democratic states) that whilst citizens are aware of their state's *theoretically possible* discretion over certain policy domains, they lack a sufficiently visualised and concrete *comprehension* of how things will, in fact, turn out as a result of their state's actions. We must differentiate between two concepts here – *bare awareness* and *sufficient comprehension*. We are barely aware of an event E's existence if we, with some confidence, believe in the proposition "E exists". Yet in order for us to comprehend E sufficiently such that E can be rendered meaningfully a part of the participatory intentions that we harbour in relation to our state, we must also be able to develop a *sufficient* understanding of the manifestations and phenomena associated with E's occurrence. The *Hedge Cutter* is certainly cognisant that his actions could theoretically cause the death of a species when performed in conjunction with other hedge cutters – yet clearly cannot be said to possess the intentions to do so; in my view, intentional participation requires comprehension and not bare awareness alone.

State secrets are nominally *shallow* insofar as citizens are cognisant of their existence, but these citizens do not *comprehend* – cannot make *sense* of – these secrets in terms of possessing a sufficient understanding of what these secrets’ manifestations, consequences, and mechanics look like. This is important, for we should not deem citizens in these very particular situations as having meaningfully *co-participated* in their state’s actions. Compare my knowing in abstract that a university may possess morally questionable transactions with authoritarian states as donors, with my *comprehension* of the fact that it is the funding of a particular donor from an authoritarian country that is funding a particular research department. The former is abstract, is detached, and does not suffice in reflecting *intention* vis-à-vis the injustice at hand. I would argue that a higher threshold than *bare awareness* (qua shallow secrets) is needed, for example, the latter, in order for my *intentional membership* of this university to include within it the university’s affiliation with these questionable donors.

In sum, co-participation lies at the centre of Pasternak’s account. Yet intuitively, there are clearly plenty of instances where *co-participation* per her stipulation is not sufficient for citizens to accrue liabilities for injustices perpetrated by the state. Her minimalist – and hence expansive-in-scope – definition of participatory intentions rules in too many instances where the assertion of complicity is at best dubious, thus failing to account for cases where no participation in state operations can be identified.

### The Structural Injustice Turn

The final IDA we consider comprises the structural injustice-centric approach. The primary framework examined is Iris Marion Young’s Social Connection Model (SCM), which provides a helpful starting point. Despite Young’s never explicitly stipulating the nature of the state to which her account applies, given her quest to centre discussions of justice around real, lived experiences and effecting practical change, it would be reasonable that we apply her theory to authoritarian settings.

The SCM holds that “individuals bear responsibility for structural injustice because they contribute by their actions to processes that produce unjust outcomes”.<sup>42</sup> At the account’s core lies Young’s mission of articulating an alternative to a blame-centric, moral responsibility-fixated notion of responsibility (what we term a straightforward PLA), as explored in Chapter 3. Young is primarily concerned with what she terms *structural injustices*, defined as:

1. “Social processes [that] put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities”;
2. “These processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them”, and
3. Such processes amount to “a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state . . . [they] are a consequence of many individuals and institutions acting to pursue their particular goals and interests, for the most part within the limits of accepted rules and norms”.<sup>43</sup>

The SCM is committed to four key propositions in relation to responsibilities for structural injustices.

Firstly, *the responsibility to address injustices cannot be assigned to individual agents on the basis of their causal contribution* (1). The PLA sees responsibility as attributable to distinct, isolatable, and identifiable agents – often in the form of individual or collective agents. Yet the SCM disputes this, in arguing that many injustices cannot be attributed to, let alone morally blamed on, individuals (or collectives), and that the individualistic conception of responsibility ignores the dimensions of injustices that exist independently of singular agents.

Secondly, the SCM uniquely allows for the *critique of the background conditions* of injustices (2). As Young views it, the PLA lacks the theoretical resources to explain why background conditions – the “normal” within society, or the implicit assumptions and heuristics that individuals are bound by as they act – are faulty. In contrast, the SCM acknowledges that background processes can be *unjust* even if such injustice cannot be attributed to the blameworthy conduct of any particular individual.

Thirdly, the SCM is *predominantly forward-looking, as opposed to backward-looking in terms of the responsibilities involved* (3). The PLA is portrayed by Young as “fault-finding”, and thus predominantly backward-looking in their temporal orientation. Her SCM devotes substantially more space to mitigating present and averting future injustices, as opposed to addressing past injustices using retrospective lenses.

More specifically, the SCM’s forward-looking nature is connected with its emphasis upon a blame-less kind of responsibility.

We should not be blamed or found at fault for the injustice we contribute to, and we should not be blamed or found at fault for what we do to try and rectify injustice, even if we do not succeed . . . we can and should be criticized for not taking action, not taking enough action, taking ineffective action, or taking action that is counterproductive.<sup>44</sup>

Fourthly, whilst the SCM is a theory of *indirect distribution*, this does not imply that it assumes all individuals share precisely the same level of responsibility. There exist *four parameters* that enable individual agents to “[r]eason about where to put one’s energies given that one cannot do everything about all things”: the agent’s (a) power, (b) privilege, (c) interest, and (d) capacity to contribute to mobilising and working collectively with others in relation to overcome injustices. The more power and privilege one possesses, the more capable one is of collective action, the more one’s interests are aligned with redressing structural injustices, the greater one’s forward-looking responsibility.<sup>45</sup>

### *Applying the SCM to Authoritarian Contexts*

In seeking to identify where SCM applies best to authoritarian contexts, we are searching for a demonstrative case, where individuals are not blameworthy perpetrators of injustices yet would nevertheless deem them responsible in the Youngian sense.

The Chinese Cultural Revolution (1966–1976) saw some of the worst crimes against humanity committed in contemporary China, with a total of an estimated hundreds of thousands, if not millions, of excess deaths induced by political persecution, violent infighting, and intense power struggles across the country.<sup>46</sup> Social classes and groups ranging from the petty bourgeoisie to educated intellectuals were targeted for their alleged counter-revolutionary tendencies, with extensive harassment and physical subjugation of dissidents.<sup>47</sup>

It would be unjustified to hold all or a majority of Chinese citizens involved in the atrocities blameworthy and thus morally responsible for the acts they committed, for three primary reasons. The first is that many of the involved were largely ill-informed and ignorant about the normativity and rightfulness of their actions, due to governmental actions and its firm grip over media and information, over the nature of casualties and extent of damages that resulted from their actions, directly or indirectly. The second is the extensive, systemic coercion and pressures under which they were placed, which prompted them to go down the destructive spiral of turning on their loved ones, persecuting and telling on their political opponents *en masse*, and participating in frenzied crowd movements devoid of sympathy and adherence to basic norms of decency. The third is a more prudential claim: the substantial epistemic costs involved in our seeking to – retrospectively – clarify the exact levels of intention, awareness, and causality that had undergirded the injustices perpetrated during the era. Given the incompleteness of historical accounts and records, accurate responsibility determination seemed impossible then (as well as today).<sup>48</sup>

Yet these factors do not, in any meaningful sense, reduce the substantial need for support on the part of the victims of the atrocities. Many amongst these individuals were killed or permanently scarred and deeply traumatised – if not injured – by the decade-long upheaval. There was a real sense of urgency – on behalf of victims’ interests – to have individuals step up to address this outsized remainder of reparative responsibilities. Even if the reparative burden is taken up by the state today, there remains the question of how the burden is distributed across citizens.

The SCM could lead us to the view that we should hold all individuals “connected” with the injustices of the Cultural Revolution responsible in a forward-looking manner. Trivially, such responsibilities need to be taken up by agents, to resolve the practically urgent tasks at hand, but also in reflecting the extent to which they had been involved in the structural injustices during the Revolution. Citizens of the state are *all* responsible in virtue of their operating in and contributing to the background conditions propelling the state to act unjustly.

More generally, the SCM seems to apply fittingly to authoritarian states, where it is difficult to hold individuals blameworthy and morally responsible for redressing injustices. Robert Mugabe’s land redistribution reforms ostensibly aimed to redress the wealth inequalities between the white and black populations within post-independence Zimbabwe, yet culminated in devastating repercussions for the country’s economy and inter-ethnic violence and strife.<sup>49</sup> Under other, more repressive authoritarian states, ill-thought-through policy proposals passed with limited

scrutiny and no political representation of the wider, popular opinion, would often result in extensive undermining of the interests of civilians – even if they are devised with the best of intentions.

As subsequent discussions shall reveal, however, there exist gaping flaws in this approach that render the SCM – ultimately – ill-equipped for authoritarian contexts. Indeed, two distinctive problems emerge in applying the SCM to authoritarian contexts. The first problem is that the central ideal of *social connection* is not sufficiently well-specified for responsibility assignment. The second issue is that the SCM unduly neglects and downplays ways in which *the agency of powerful non-state actors* in authoritarian states should render such individuals morally liable for redressing structural injustices – a normative judgement that Young is reluctant to endorse.

### *The Overshooting Worry*

Let us consider the first challenge. Maeve McKeown's novel interpretation is most illuminating here in clarifying what *connection* actually means in the SCM. She differentiates between two kinds of causation – namely, *attributive causation*, in which individuals can be held morally responsible for directly causing some deviation from the norm, “with voluntariness and knowledge of what they were doing”, and *explanatory causation*, where background conditions causally lead to a particular event. She then argues the SCM should assign responsibility to all individuals who *reproduce* the structures amounting to be man-made *explanatory causes* of injustices. Note – this does not require these individuals to *cause* in a counterfactually sensitive fashion the injustice in question, but that they are performing acts instantiating structural entities, practices, or discourses entrenching the injustice.<sup>50</sup>

This definition of ‘connection’ essentially entails the conclusion that all who causally contribute towards the background conditions that sustain and enable state-perpetrated injustices would possess forward-looking responsibilities. These background conditions include the continued endurance of the authoritarian state institutions – including its executive, legislative, and judicial branches, but also co-opted organisations and groups that are associated with the government.

In response, I suggest that this account is over-demanding and hence normatively unjustified (*overshooting* – Desideratum 1). To see why, let us begin with a relatively uncontroversial case that should illustrate that *mere causality* alone should not give rise to any forward-looking responsibility.

Consider:

*The Switch-flicker.* In flicking on/off a light-switch in their own house, the owner unknowingly activates a current that flows into an electric rod that had, without their knowledge, been wired to the switch. The electrifier, in turn, inflicts a painful electric shock upon an innocent victim.

Now, as Judith J. Thomson notes, there is something distinctive about the fact that it is the *conscious* act of switch-flicking that causally precipitated the pain inflicted upon the victim<sup>51</sup>; this is a fact that should give rise to the switch-flicker's *regretting* that they had acted as such, if they were presented with the knowledge that they had been involved in causing such pain. Such regret-ability should ostensibly give rise to special responsibilities that can only be borne by the switch-flicker – as per structural injustice-centric accounts.

This, nevertheless, makes little substantive sense. The switch-flicker may have reasons to regret their actions – which they did not and could not have possibly known would result in the harm caused to their victim. Yet this does not adequately prove that they possess reparative responsibilities towards the victim in virtue of the specific kind of forward-looking reasons Young identifies. As it turns out, mere *causal responsibility* alone – even if proximate – does not give rise to the kind of responsibility envisioned by Young, because there exists no meaningful normative value in the intentions possessed by the switch-flicker in question. In this light, then, the switch-flicker is no different from a three-year-old toddler who accidentally mixes two reagents in a flask, thereby producing a toxic solution that kills nearby persons.

It can hence be inferred: for causality to *not* give rise to forward-looking responsibilities, it must be the case that there exists a complete lack of awareness on the part of the individual of the possibility that one's actions would lead to injustice, as well as the lack of direct intention to cause such injustice. If individuals have even a modicum of intention concerning the possibility that their actions will result in harm to others, they can be judged as being more than just *mere causes* of the harm. Trivially, we are all implicated in a vast number of incidental causal chains connecting us with downstream, resultant injustices in our lives; these chains exist independently of our intentions. Given we lack any potential knowledge of even the possibility that injustices would result from our actions, it would be *unreasonable* to suggest that we accrue any forward-looking responsibilities to redress such injustices.

Of course, at first glance, most individuals connected to injustices in authoritarian states are clearly more than merely causally responsible for injustices. The taxpayer threatened with severe harm to family members pays taxes with the knowledge that the money may go towards funding camps and attacks on ordinary civilians; even if the taxpayer is wholly ignorant of where the money goes, he is still exercising a modicum of agency in choosing to pay the tax. These are consciously decided acts – they are not merely causal. As it stands, the above does not suffice in justifying the claim that these individuals should not be held responsible.

What is hence needed is a set of criteria that, if jointly and collectively satisfied, would suffice in rendering the agent in question morally analogous to a *mere cause* of the injustice in question – such that he should not bear any forward-looking responsibility arising from the interaction between him and the background conditions of injustice. In short, the fulfilment of these criteria would excuse the individuals in question from *any form of backward- or forward-looking responsibility* for the resultant injustice.

*Conditions for Radical Coercion*

Consider then the following conditions for an individual P to be deemed as *radically coerced* to perform some act X:

1. P will very likely *significant personal costs* if they fail to X, **and**
2. P is aware of 1 and makes their decision accordingly.

On (1), for someone to be radically coerced, it is not sufficient that they will face *some* (potentially disproportionate to the injustice in question) costs for failing to X. It must be the case that such costs are significant in the *absolute* sense – for example, significant bodily harm and restrictions upon autonomy. In the scenario discussed earlier, non-tax-paying individuals are not merely suffering a passable inconvenience; they are confronted with an egregious violation of their bodily integrity.

Per (2), individuals must believe – with at least a strong subjective mental state and on partially reasonable grounds – that (1) is true. An individual who is non-cognisant of the dangers befalling them cannot possibly be said to be subjectively coerced. I take it here that subjective coercion is a necessary condition for radical coercion: it is only when they are aware of and affected by such costs, both to themselves and to others (to whom they owe moral obligations), that we could characterise them as being *radically coerced* to undertake decisions that do not reflect their genuine preferences and judgements.

What differentiates *radical coercion* from *non-radical* (standard) *coercion*? The costs – moral or personal – with which the individual is threatened – must be *significant* and *weighty*; these costs cannot be merely weightier than the original motivations the individual possesses in undertaking the action they are coerced out of – a mere *comparative* disparity between the individual's genuine preference and the option they end up going for does not suffice.

A second criterion for the absence of responsibility is as follows: the individual agent's actions, on their own, must make *no counterfactual difference* to the outcome. That is, even had they not acted, this fact – alone – would not have made any material difference to the outcome. In the *Taxation* example above, individuals who pay taxes only make a difference to the stock of guns procured *if they act collectively with others*. More broadly, it is not implausible to think that the actions of many who do contribute towards structural injustices do not – in fact – yield counterfactual-sensitive differences: even if they had acted otherwise, the exact same outcomes would have followed.

To illustrate this principle, consider the following:

*Tax or Torture.* An authoritarian state imposes very stringent penalties for not paying taxes – for example, individuals have their feet sawed off and removed if they refuse to pay taxes; their family will also be threatened with violence and excluded from social structures. Parts of the revenue may go towards funding the state's procurement of arms, with which they kill dissidents.

We therefore have here a seeming case of structural injustice – individually, these individuals do not make a significant difference to the end outcome (killing of one more or fewer dissident), yet collectively, their actions result in the egregious injustice of dissident suppression.

If no one pays taxes, the state is unlikely to have enough money to purchase such arms. If only one person evades (or pays) the tax, this is unlikely to have any effect on the number of dissidents killed. Tax-paying, in other words, does contribute towards the state in its killing of more civilians, but there exists no counterfactual difference (along the dimension of dissident deaths) following on from one person's payment of the taxes. More generally, individuals' tax-paying also contributes towards the maintenance of the other operations under the unjust state, amongst which some may – in fact – be beneficial to the majority residing in the state in their own right (e.g. infrastructure upkeep).

Given the significant costs with which they are credibly and knowingly threatened, these citizens do not appear to be particularly responsible for the injustices arising from their paying taxes – they are, per Andrea Sangiovanni,<sup>52</sup> *excusable* in their contributions. Cases such as *Tax or Torture* may seem extreme and deeply unlikely across most democratic contexts. Yet they are, in fact, ubiquitous in certain authoritarian contexts, where the state wields unchecked, concentrated power and imposes disproportionate punishments against those whom it deems to have violated legally stipulated requirements – of paying exorbitant taxes.

When assigning forward-looking, non-blame-centric responsibility, there are two considerations we are seeking to balance: the first constitutes the amelioration of *long-standing injustices*; the second involves our being fundamentally *fair* in our assignment of responsibility, to avoid unjustifiably burdening individuals who should not – in fact – be deemed responsible. The assignment of responsibility cannot be an *ad hoc* exercise that disregards the weight of individual agency, or the fact that we should not impose moral demands on agents in relation to actions that they cannot reasonably be expected to *regret*, let alone withdraw or refrain from carrying out. Individuals experiencing radical coercion as they commit particular actions cannot be deemed to have possessed the *minimum threshold* agency for them to *acquire* reparative responsibilities through these actions.

Provided that – on top of this – the individual in question does not make any counterfactually sensitive causal difference to the outcome, it is reasonable for us to weigh the second consideration as more significant than the first. When both conditions are satisfied, I suggest that the SCM should not be contextually applied to the switch-flicker.

### *The Undershooting Worry*

The second challenge to Young's original SCM is that it systemically fails to account for the extent to which powerful actors in authoritarian states should be held liable for their intentionally engendering and maintaining structural injustices in authoritarian contexts. The SCM unduly lets individuals off the hook of moral responsibility, including powerful agents within structures who can and should be blamed for their role in injustices, both *structural and non-structural*.

In pre-emption, Young suggests that all agents within structural processes are bound by objective sociological constraints and so should not be deemed morally responsible for the injustice caused by the structures of which they are a part. Her view is, nevertheless, unduly reductionist, in that it ignores the fact that many powerful agents, despite the absence of clear constraints governing or shaping their actions, opt to reinforce established social norms and structures through exercising their own discretion. Indeed, as argued by Valentin Beck and Martha Nussbaum,<sup>53</sup> the SCM lets blameworthy individuals off the hook far too easily – especially in authoritarian states.<sup>54</sup> It problematically *undershoots*.

Ferdinand Marcos' rule over the Philippines was characterised by his highly repressive deployment of the state apparatus in persecuting opponents, enforcing martial law, and enriching his family and associates at the expense of the Filipino public. Amongst the civilians that had supported Marcos, a particular group – later known as “Marcos cronies”<sup>55</sup> – benefitted substantially from their friendships with Marcos, via designated government projects, funds, and embezzled funds. Marcos cronies were both perpetrators of direct injustices and maintainers of structural injustices. They directly created extortionary market structures and detrimental oligopolies that preyed on the vulnerabilities of the country's population to price-gauge over domestically produced goods, for example, cigarettes. They also indirectly prompted the government to take up large sums of unsustainable foreign debt, flagrantly ignoring the dearth of consent of the populace.

When applied to authoritarian states, then, SCM's failure in accounting for individuals' moral responsibilities seems only all the more striking – given that individuals wielding disproportionate influence in these contexts are likely to belong to powerful, rent-seeking cliques collectively comprising the state's effective backers. The ideal accounts of justice can be cognisant of how frameworks, norms, and structures could be products of historically developed *habitus* and the long-standing interactions between millions of individuals, whilst concurrently acknowledging how they have been influenced and shaped through individual agents' deliberate intentions and actions.

## Recap

The very *Indirect Distribution Accounts* enjoy apparent advantages and strengths when it comes to the authoritarian context – especially as compared with counterparts that are far more fixated upon assigning responsibilities proportionally, in accordance with one or two particular metrics for responsibility generation. Yet whether it be Avia Pasternak's *Intentional Citizenship Account*, or Iris Marion Young's forward-looking, structural injustice-anchored account, there exist clear flaws and limitations that hinder their full application to authoritarian settings. This is not to say they should be jettisoned – indeed, we should extend their scopes to authoritarian states where their explanatory powers triumph. It is, however, to suggest that we must look beyond the accounts surveyed thus far to resolve our lingering, residual worries concerning reparative justice in authoritarian states.

## Notes

- 1 David Miller, "Intentional Participation in the State," in *Symposium on Avia Pasternak, Responsible Citizens, Irresponsible States: Should Citizens Pay for Their State's Wrongdoings?* ed. Jinyu Sun, *Critical Review of International Social and Political Philosophy* 27 (2024): 595.
- 2 Robert Jubb, "Participation in and Responsibility for State Injustices," *Social Theory and Practice* 40, no. 1 (2014): 52.
- 3 Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," *Social Philosophy and Policy* 23, no. 1 (2006): 102–130; Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).
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## **Part III**

# **Authorisation and Authoritarian States**



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## 5 The Case for Authorisation

The next three chapters set out the core positive account of this book concerning citizen liabilities for reparative justice over state-perpetrated wrongdoings. The fundamental principle is simple: citizens are liable to repair the unjust effects of acts perpetrated by their states, provided they have *authorised* their states to commit such acts.

With its roots traceable to Thomas Hobbes and Immanuel Kant's theorisation on legitimate state authority, the notion of authorisation describes a particular relationship that holds between the state and citizen under ideal conditions. We consider two prominent authorisation-centred approaches to citizen responsibility, which draw heavily upon these two thinkers' works. The first account is theoretically applicable to non-democratic contexts, though its proponent, John Parrish, suggests limiting it to "the easiest and most plausible case" for the time being, namely, "democratic states"<sup>1</sup>; the second is explicitly stipulated by its author, Anna Stilz, as applicable to only representative democracies that "secure fundamental rights and the rule of law".<sup>2</sup>

We shall nevertheless come to see the shortcomings in both these accounts and their post-reconstruction versions. Largely founded upon Hobbesian premises and rooted in such reasoning, Parrish's account has the risk of *proving too much* – in supporting the unjustified assignment of liability to select individuals across both democracies in which they enjoy limited access to private liberties, and even certain non-democracies, on grounds that they receive presumptive benefits from their state. In drawing heavily upon Kantian theory in her concept of democratic authorisation, Stilz's account unduly omits cases where the relationship between citizens and states in authoritarian settings could be reasonably understood as instances of authorisation, based on reasoning that vast segments of her argument also share – save from the Kantian presumption in favour of electoral democracy.

Through unpacking the key features of authorisation, as well as the reasons for authorisation to be a sound and potent ground of reparative responsibilities, I thus advance the case for a more robust conception of reparative justice – one that can be applied to both authoritarian and non-authoritarian states, with particular explanatory strength in the former. This conception, contra Stilz and Parrish, will

focus primarily on the citizen–government relationship, taking seriously the status of the government as the primary representative exercising formal decision-making and policymaking capacities on behalf of the state.

## Two Classical Views of Authorisation

There exist two approaches to *authorisation* that have shaped heavily contemporary discussions on how we ought to respond to state injustices or injustices. The first view was expounded largely by Hobbes, and the second was developed and built upon Hobbesian theory by Kant.

### *The Hobbesian View*

In Hobbes' view, the state of nature features life that is "solitary, poor, nasty, brutish, and short". Emancipation from these conditions requires individuals to cede their natural rights and transfer their rights to govern themselves (self-sovereignty) to a common authority. Only when the ruling authority possesses what Hobbes deems the "essential rights of sovereignty" could it be instrumentally effective in ensuring the provision of basic, public goods, such as law and order. The common authority thus wields "sovereignty by institution" – defined by the state's provision of the basic security upon which individuals can pursue broadly secure and sociable life, in exchange for citizens' acceptance of absolute, enduring sovereignty.<sup>3</sup> A political entity that can sufficiently secure its citizens from the perils of the state of nature is thus legitimate.

In this light, Hobbes is often credited by contemporary theorists as the first theorist to substantively and explicitly incorporate the language of *authorisation* into the canon of discussions on state legitimacy. Whilst interpreters differ over whether the agent of representation is artificial (an actual agent that is representing others) or purely fictional (the state cannot truly act and behave as an actual entity, we can construe it as so doing for the sake of assigning political and moral obligations), it is evident that they concur on one key claim: natural persons serve as representatives of themselves, whereas both artificial or fictional persons – of which the state is one – represent others.<sup>4</sup>

To speak on behalf of another is to represent them, per Hobbes. Representation is only genuine when the representative is *authorised* – either by the authorising agent directly or by third parties indirectly. To this effect, Hobbes notes:

For in the act of our submission consisteth both our obligation and our liberty . . . such arguments must either be drawn from the express words, 'I authorise all his actions,' or from the intention of him that submitteth himself to his power (which intention is to be understood by the end for which he so submitteth), the obligation and liberty of the subject is to be derived either from those words, or others equivalent, or else from the end of the institution of sovereignty.<sup>5</sup>

An individual's authorisation "submits" one's obligation and liberty to the authorised agent, which goes hand in hand with the individual's "owning" the agent's words and actions:

Of persons artificial, some have their words and actions owned by those whom they represent. And then the person is the actor, and he that owneth his words and actions is the author, in which case the actor acteth by authority. For that which in speaking of goods and possessions is called an owner, and in Latin *dominus* in Greek *kurios*; speaking of actions, is called author. And as the right of possession is called dominion so the right of doing any action is called authority. So that by authority is always understood a right of doing any act; and done by authority, done by commission or license from him whose right it is.<sup>6</sup>

Ownership here implies that authorisers must bear responsibility – albeit not necessarily of the moral kind – for the acts committed by those they authorise. If some agent A authorises some agent B to act as their representative, then the words and actions of B must be "owned" by A – this applies across contexts in which A are natural persons (e.g. three particular neighbours in a community), but also where A refers to a purely artificial or fictional person. An example of the latter would be the state (B), which is in turn represented by the authorised sovereign (A). Hobbes' *sovereign* maps onto the *government* of the *state* we have referred to thus far, whilst his definition of the *state* would be all subjects who reside under the rule of the sovereign.

In authorising his sovereign, the state subject grants his state the "commission or license to perform an action by some person or persons who must possess the right to perform it themselves. The grant must take the form of a *voluntary* transfer of right, since commissioning and licensing are names of *voluntary* acts".<sup>7</sup> If I do not possess a right to use the money stashed away in a company's bank account, I cannot authorise you and grant you unilaterally the right to do the same. In virtue of their *transferring* to the authorised sovereign their rights on these fronts, the sovereign is granted the "right to present the persons of his subjects or to bind them by his actions". In short, authorisation could be understood as an *alienation* process – whereby, in empowering another actor with the moral legitimacy to act in some ways on my behalf, I voluntarily relinquish my own right to act unilaterally in those very same ways; I can only regain this right if I withdraw my authorisation.

Notably, Hobbes does not directly comment on whether he views subjects under a sovereign to be possible bearers of liabilities arising from the injustices perpetrated by the sovereign. Instead, he argues that the sovereign has the right to exercise discretionary judgement over how policies should be designed and implemented in advancing the desired end outcomes. Indeed, he even goes as far as to suggest that the sovereign should have indemnity from punishment by his subjects – for the logical reason that no individual can be unjust to himself, and that in seeking to punish their sovereign for alleged wrongdoings, the individual would be unintelligibly – even unjustly – punishing themselves for what they would have done.

Because the sovereign acts as the sole representative of the *state*, and because citizens are co-authors of all that can be attributed to the *state*, citizens must therefore accept responsibility for the sovereign's acts, "no matter how arbitrary", per Hobbes' view.<sup>8</sup> Michael Byron suggests that given that "subjects authorize the sovereign [, they] collectively share responsibility for their own unjust obedience", and that subjects must be judged "responsible [albeit not necessarily in a blame-centric fashion] for the command inasmuch as they have authorized the sovereign's actions".<sup>9</sup> Indeed, it is this intuition that undergirds our subsequent discussion on citizens bearing liabilities to redress the effects of wrongdoings perpetrated by their authoritarian *governments* – qua *sovereigns* of their states.

Yet there exist certain rights "whereof cannot by covenant be transferred": *inalienable*, primary rights that no sovereign can reasonably transgress or violate. Hobbes notes, "no man is supposed bound by covenant, not to resist violence; and consequently it cannot be intended, that he gave any right to another to lay violent hands upon his person".<sup>10</sup> Consequently, even if the sovereign is granted the license to perform a wide spectrum of actions on behalf of their subjects, this does not extend – as a *carte blanche* – to justify an indefinitely *unlimited range* of actions. Upon the violation of such inalienable rights, we may justifiably intuit that the sovereign ceases to be authorised – and their citizens would thus be exempt from bearing the liabilities arising from state-perpetrated wrongdoings.

The Hobbesian theory of authorisation is both expansive and encompassing of non-democratic contexts – indeed, he does not view electoral democracy as a necessary condition for an authorised or enduring sovereign.<sup>11</sup> Furthermore, the Hobbesian contract is marked by an active alienation of liberties to the sovereign – even if the sovereign is limited in the scope of actions it can pursue – as noted by David Gauthier.<sup>12</sup> The fact that rights are alienated, as opposed to contextually waived or suspended, implies that it is not the case that as members of a state, citizens simply "loan" to their sovereign their liberties in exchange for the transient upholding of such liberties; instead, they permanently cede their liberties in a contract that is not revoked, unless the sovereign ceases to function as it should.

### *The Kantian View*

Now let us consider a second, key view of authorisation, as most prominently advanced by Immanuel Kant. The 18th-century philosopher views the freedom of individual citizens as the fundamental justification for the state's existence. The only "innate right" citizens possess consists of "freedom (independence from being constrained by another's choice), insofar as it can coexist with the freedom of every other in accordance with a universal law". He does not view personal security and the provision of public goods as a sufficient basis for governmental authority, especially when it is left up to the government to decide what the good consists of for individual citizens.<sup>13</sup> Per Avia Pasternak's interpretation of Kant, all individuals "have a basic, natural right against unjust interference from other agents", as well as a "duty to respect the freedom of others".<sup>14</sup>

In the state of nature, Helga Varden reads Kant as identifying “two insoluble problems . . . : the problem of rightful assurance and the problem of indeterminacy regarding application”.<sup>15</sup> The former pertains to the absence of clear mechanisms to enforce and ensure the upholding of the rights of individuals; the latter concerns the fact that the *state-less* world is underpinned by innate indeterminacy that precludes the resolution of the many coordination problems. In the zero-sum state of nature, it is practically impossible for individuals to arrive organically at a state-of-affairs where all individuals’ rights are guaranteed and secured, without an external, overarching authority that can rule and intervene where appropriate.

To uphold the rights of all citizens requires a *public authority* that can align, coordinate, and regulate individuals’ actions through shared laws. Rights cannot be guaranteed through the unilateral actions of a private or semi-private enforcement authority answerable to only a few citizens – even if this authority is consistent, reliable, and judicious in its exercising of its authority. This is because an authority that does not answer the entire population via a constitution would represent only the *unilateral will* of those who stand behind it. The just state must be one in which “law itself rules and depends on no particular person”<sup>16</sup>; otherwise, the authority cannot be said to be authorised by all individuals who live under its influence – and hence is not authorised *simpliciter*.

In contrast, a political authority jointly accepted and answerable to all individuals within a polity is indeed representative of the *omnilateral will* of the population. An authorised state acts in the name of all its citizens. Its laws and decisions should be obeyed by all its subjects, with responsibility for the consequences of its decisions borne by the same. This authorised state possesses the obligation to obey public reason and to implement laws that are accepted by all individuals. On a more procedural note, there is the expectation that such an obligation can only be met if the government is managed in accordance with some form of *republican constitution* – one that imposes sufficient constraints on majoritarian decisions whilst concurrently ensuring that the policy decisions are accepted by the majority of the population.

What does it mean for a state to uphold the *omnilateral will*? To this effect, Varden reads Kant as articulating three necessary conditions: all citizens within the state must be (a) *lawfully free* – to be subject only to laws over which they have given their consent; (b) *civilly equal* – to be treated by the laws as equal in status with everyone else, and (c) *civilly independent* – to secure their own existence and preservation through the powers and rights they are endowed with as parts of the population.<sup>17</sup> We shall shortly see Anna Stilz offering a highly similar – although somewhat different in nomenclature – set of three criteria reflecting Kant’s view of the omnilateral will. When all three conditions are satisfied across the entirety of the people in question, the state could then be said to be authorised by its population.

### The Authorised State Model

If we are to draw an explicit and substantiated connection between authorisation and citizen liabilities, how could this be accomplished? The first approach consists of

John Parrish's Authorised State Model (ASM), which holds that "state authorization alone" is a "sufficient condition" for the assignment of responsibility to citizens. Backed by distinctly Hobbesian intuitions, the argument leans heavily into George Klosko's theory of *presumptive goods (and benefits* – the two will be used interchangeably) – goods that, "in almost all cases, people can be presumed to benefit from them at a very high level". Presumptive goods are all "that we all need . . . regardless of whatever else we need". Indeed, the provision of these goods is recognised as a "central purpose of the state".<sup>18</sup> More generally, the Klosko–Parrish social contract-influenced approach to citizen liabilities will prove definitively helpful in Chapter 6, as we seek to articulate a much-improved development to this account.

In delineating his state authorisation account, Parrish emphasises that "if the state is not simply the people, it is equally not simply the government – that is, the persons in government at any particular moment in time". He argues that whilst in any pluralistic societies governed by majoritarian democracies, no "government at any particular moment in time represent all its citizens' wishes", a far more plausible reading of authorisation is that "the state over time represents its citizens' interests and purposes".<sup>19</sup> We will revisit this distinction in subsequent chapters.

The account's central presupposition is that citizens *would* accept these presumptive goods, even if they rarely are required or given the opportunity to explicitly indicate their consent to their state's rule in exchange for such goods. As Alan Carter puts it, "it can be safely presumed that everyone would choose to pursue such goods . . . were the choice of either accepting or refusing them (counterfactually) available".<sup>20</sup> Klosko cites a hypothetical individual, Pickerel, who benefits from the contributing actions (e.g. tax payment, legal compliance) of members of a state X, through reaping "benefits [that] are unavoidable as well as non-excludable" – such as national security. He argues that given the "dispensability of national defense" to individuals, "we can presume that Pickerel would pursue [this benefit] (and bear the associated costs) if this were necessary for their receipt". Hence, he cannot imagine a reasonable complaint that Pickerel would make to members of X, who have provided him with a good as significant as national defence.

In other words, Klosko's framework positions our relationship with these goods as one of *presumed dependence*. Given that we "need . . . the state as a background condition for living acceptably commodious lives",<sup>21</sup> Parrish's ASM posits that the modern state has emerged as a *necessary* pre-condition for its subjects to enjoy a wide range of important benefits, such as collective self-defence, law enforcement, economic planning and coordination, etc. Accordingly, it is impossible for anyone to live outside or without such a state. Indeed, the deeply undesirable nature of the alternative to living in a minimally functioning state – of either "brute force or the immediate threat of death" – is a sufficient ground for "anyone who has signed on to the project of living the sorts of lives that require those goods" to authorise the state.<sup>22</sup> Both public safety and basic infrastructure are examples of what Klosko, drawing upon Rawls, terms *presumptive public goods* – non-rivalrous, non-excludable "things that every man is presumed to want".<sup>23</sup>

Granted, we do not usually actively consent to the state in which we are born, and – save from instances of voluntary migration – in which we live. Yet even if

we do not consent to our state, in authorising it, we can develop “assignment responsibility”, or what some dub *task responsibility* in relation to “actions that [our] state takes on [our] behalf [. . . based on] our purported rights”.<sup>24</sup> This is because citizens residing under states providing them with presumptive benefits are active stakeholders with a positive stake in the cooperative projects comprised by their states; in depending upon these benefits – even if without an explicitly conscious choice – they thereby are bound by what Klosko takes to be *fair-play expectations* to accept the reciprocal obligations they owe towards others living under the same state. A core component of being fair towards others within the same cooperative projects of which they are a part is the taking up of responsibilities for actions committed by the state, in the name of all citizens.

### *Applying the ASM to Authoritarian States*

Even in non-democracies, Parrish indicates that given “all people . . . need a military to represent their security interests”, “this fact carries with it certain moral risks, risks that are shared with and to some extent similar to those that apply to democratic citizens”. So long as the state (democratic or non-democratic) is “doing things that all states do on behalf of their citizens”, then citizens would “remain responsible for the outcomes”, whether it be a democracy or non-democracy.<sup>25</sup>

Yet Parrish also acknowledges that authoritarian states, in particular, may not incorporate public views, attitudes, and preferences in a particularly reliable way in their decision-making. There is a distinct worry that citizens are shut out and excluded from the decision-making process. He hence offers the caveat, “the more voice [they possess in governmental decision-making], the more responsibility”<sup>26</sup> citizens bear for their state’s actions (*Voice Principle*). It is unclear how this disclaimer squares with his broadly Hobbesian conception of the state. Hobbes, after all, did not appear to take much notice of the extent to which individuals are, in fact, capable of voicing out in the political decision-making processes, when it came to his account of political legitimacy.

We should and can still apply Parrish’s logic to accounting for select MDAS. During particular periods of Suharto’s New Order, Indonesia was able to achieve impressive economic growth rates, significant reduction in absolute growth, a consistently rising growth in per capita consumption, as well as substantial improvements in public health and hygiene.<sup>27</sup> In the 1970s, buoyed by the oil price rise and Indonesia’s substantial oil production capacities, Suharto’s combination of economically driven, heavy-handed top-down planning, and his often repressive suppression of opposition and dissidents, provided for a largely stable and secure political environment that successfully ameliorated poverty and improved the average wellbeing of most Indonesian citizens.<sup>28</sup> Admittedly, the benefits had accrued somewhat asymmetrically to stakeholders and communities favoured by the incumbent – and it was apparent that citizens lacked the robust procedural equality and enshrinement of formal political rights to vote in open, free democratic elections. Per the ASM, however, it would not have been unreasonable to hold Indonesian citizens, during the 1970s, liable to redress at least

some of the wrongdoings perpetrated by their state, on the grounds that their state did, in fact, meet the minimum required for authorisation.

In contrast, for a largely non-MDAS that does not fit Parrish's stipulation, we can look to the Tatmadaw rule in Myanmar since 2021. Ever since the coup toppled a democratically elected civilian government that year, Myanmar had been governed by a highly violent, dysfunctional junta. The country has been embroiled in a deeply violent and fractious civil war since.<sup>29</sup> Almost 50% of the population now lives under the poverty line.<sup>30</sup>

The ASM would suggest that the present Tatmadaw regime, presiding over the state of Myanmar, is not authorised by an overwhelming majority of the latter's citizens. As such, its citizens do not, on grounds of Parrish's conception of authorisation, bear any responsibility to redress the wrongdoings committed by their state. Indeed, Myanmar is most typical of other military authoritarian (type II) states with weak state capacity and faced with significant violent domestic opposition and rampant instability, such as the present Sudanese state, led by the army general Abd al-Fattāḥ al-Burhān after the coup in 2021,<sup>31</sup> as well as deeply unstable personalist states (type III) with leaders losing grip on increasingly vociferous opposing factions and insurgents.

How does the ASM measure against the three desiderata set out previously?

### *The First Desideratum*

The first desideratum concerns *Descriptive Accuracy*. The primary concern here is that the ASM overshoots. The mere fact that the state provides its citizens with presumptive benefits tells us little about the nature of the state in question: is the state ruled by a highly repressive authoritarian regime that "optimises" maximal security and stability at the expense of its members' ability to self-actualise and flourish; a corrupt democracy with dire inequalities that nevertheless has openly contestable elections, or a non-democratic technocracy-bureaucracy that nevertheless protects its citizens' civil, social, and economic liberties in the form of property rights?

In virtue of its Hobbesian roots, the ASM does not take sufficiently seriously the factor of citizens' autonomous *influence* over state decision-making – that is, to what extent can citizens meaningfully make an impact on the (i) nature and range of goods with which they are provided, as well as the (ii) conditions that they must endure in order for the continued provision of these goods?

Question (i) matters, for not all presumptive goods are weighed as highly significant by citizens – consider, for instance, individuals who grant that public infrastructure is valuable, but not of particular importance to their own life plans and pursuits; question (ii), too, matters – consider those who find access to basic employment less important than the ability to politically self-determine through democratic procedures. For individuals in the latter subset, they may find the restrictions on their ability to influence and shape their state a defeating reason that trumps the presumptive benefits gained from the order maintained by the state. In any case, the mere receipt of presumptive benefits does not appear to be a sufficient condition for *authorisation* over acts committed by the state – especially unjust ones.

Additionally, the ASM also strains to reflect considerations pertaining to *radical coercion*, a concept I introduced in Chapter 4. For a particularly conspicuous example, consider the burgeoning middle class residing under Kim Jong-un's North Korean regime. Studies have found that a class of consumerist households is emerging under the totalitarian leadership, with increasingly diverse consumer goods offerings at markets, restaurants, and delivery services. They can also receive a steady supply of electricity, unlike their more impoverished counterparts, through solar power systems and contracts with government-owned factories and substations. These individuals are also likely to invest in key goods in personal development, such as education, health, and entertainment, all taking place under the auspices of the ever-present state.<sup>32</sup> Per Parrish's ASM, given that these individuals have largely continuous access to key presumptive goods that count towards their seeming flourishing on a material and welfare level, we may be led to believe that these citizens are thereby authorisers of the North Korean state, and hence liable to redress the costs of their states' transgressions.

This verdict is counterintuitive. The North Korean regime directs extensive surveillance, persecution, and violent measures of oppression towards individuals who dare deviate from the politically entrenched baselines and established role-expectations that they must perform. Many amongst the emerging middle class are senior professionals and businessmen who receive contingent patronage and shielding from the state, in exchange for their fealty and consistent performance of these jobs. Quitting these middle-class jobs – refusing to comply with the state's instructions – would result in not just substantial *personal costs*, but also potential collateral damage inflicted upon one's families, thereby constituting the *moral costs* of one's refusal to act. We should not see beneficiaries living under such conditions of *radical coercion* as authorisers. Parrish's authorisation-based approach, hence, seemingly proves too much: it is insufficiently discerning over the background circumstances of the receipt of goods.

### *The Second Desideratum*

In pre-emption, Parrish indicates that given “all people . . . need a military to represent their security interests”, “this fact carries with it certain moral risks, risks that are shared with and to some extent similar to those that apply to democratic citizens”.<sup>33</sup>

There are two problems with this reply.

The first worry pertains to the *Limit Condition* within the second desideratum: Parrish does not provide a sufficient answer on how the limit to responsibility – the moral risk that citizens ought to accept and embrace – ought to be demarcated. He suggests that so long as the state (democratic or non-democratic) is “doing things that all states do on behalf of their citizens”, then citizens would “remain responsible for the outcomes”, whether it be a democracy or non-democracy.

It is unclear what these things actually *are*, and how we are to arrive at a reasonable range of possible goods that the state should be reasonably expected to provide. Furthermore, it is also unclear if Parrish believes that irrespective of the cost

and the immorality of the acts involved, citizens must thereby accept the resultant liabilities that come whenever the state seeks to deliver presumptive benefits to which citizens are entitled. After all, granting this principle would seemingly open citizens up to liabilities for the effects of blatantly egregious actions pursued by the state that are gratuitous and non-necessary for the goods in question.

The second worry concerns the *Justification Condition*, in that this account does not justify why citizens could be said to be *authorisers* of the specific actions committed by their state and hence *reparatively responsible*. Suppose my state does indeed provide me with all the necessary goods required for me to lead a minimally decent life; suppose further that my compliance with the law and paying of taxes are necessary as a part of my doing my fair share (per Klosko's reasoning) in contributing towards the public availability of these presumptive goods. This at best addresses the question of *basic political obligation*, concerning whether we should obey the law – it does not, however, imply that the state is *acting in my name* when carrying out injustices, let alone that I am hence implicated in its unjust actions by default.

There exists a key logical gap between the two claims: that (1) I must discharge my basic political obligations towards others residing under the state we share, in relation to adhering to basic laws, and (2) I must take up reparative responsibilities arising from my state's actions. The link between 1 and 2 remains feeble. The presence of extreme coercion and absence of capacity to influence state decision-making thus also undercut the ASM's ability to meet this desideratum. To address this, Parrish needs a more precise, developed response than asserting the *Voice Principle*.

### ***The Third Desideratum***

The expansive nature of the ASM does appear to lead us to the *adequate resolution* of the reparative burden across a vast majority of authoritarian contexts – at least ones in which citizens do not suffer from active, constant violence and actual rights violations by their state. Yet expansiveness without grounding is no inherent virtue. Parrish also fails to establish clearly what the desired policy responses undertaken by responsible agents ought to be.

Importantly, there is the worry that when applied to an authoritarian context, the ASM would deem responsible a large number of individuals who lack the capacity to feasibly pursue reforms and changes to their own state, given a dearth of available resources and tools on their part. For instance, citizens of authoritarian states who possess little to no effective capacity of influencing the decision-making processes of their states are unlikely to be in positions where they can effectively see through changes to political institutions and governmental policies in relation to the injustice.

### **The Democratic Authorisation View**

Parrish's account struggles with explaining why his highly capacious conception of authorisation holds across circumstances where citizens lack a distinctive means

of shaping their governing institutions, as well as where radical coercion comes to prevail over citizens' choices. The *Democratic Authorisation View*, as expounded by Anna Stilz across both her 2011 and her 2019 papers, emphatically addresses this issue.

Inspired largely by Kant, who "holds that to have the right to make and enforce law and policy for a population, the state must represent its subjects' *omnilateral will*", Stilz reads Kant's stipulation as entailing an *actual* popular will – when "there is an interlocking structure of joint intentions among [cooperating citizens] and common knowledge of this fact".<sup>34</sup> There are two fundamental premises underpinning Stilz's argument: the first is the Specific Authorisation Premise; the second is the Democracy Premise.

### *Specific Authorisation Premise*

This premise states that the citizens' authorisation of acts committed by their state is best understood as when the state interprets, enforces, and upholds its citizens' rights beyond a satisfactory minimum. Citizens authorise their state to act over a significant range of decisions, if the state upholds their core rights and is perceived by them to be credibly doing so.

Stilz's conception of authorisation relies upon the view that the state is the natural and sole authority that can duly uphold individuals' private freedoms. Given all persons' rights against others' arbitrary interference and duty to respect all others' freedoms, there exists a need for a joint political authority – one that structures, coordinates, and guides individuals' actions through a consistently enforced set of common laws. Indeed, Stilz claims, "if calm reflection would show that I better secure my basic right to freedom by allowing X to judge and enforce it, then I have necessarily authorized X and am liable for at least those of X's actions that can be considered as having flowed from reasonable interpretations of my basic right".<sup>35</sup>

What exact right is she speaking of here? In her view, the rights in contention are necessary for the upholding of a "personal conception of happiness", justified on grounds of "private autonomy". Authorising citizens must be capable of acting autonomously by and large within the societies over which the state presides. Apart from instances where the state "clearly and obviously fails to interpret [their] rights", citizens should be treated as authorisers of all of their state's actions – including the unjust ones.<sup>36</sup>

So long as "some minimal threshold is passed, we are bound to act in accordance with the authority's judgement, since by accepting such a procedure we 'do better' overall in securing our rights", as compared with acting on the basis of our own judgements. So long as the state fulfils this *threshold*, citizens could be deemed to have authorised their state, and hence bound to act with their government's judgement, for in so "accepting such a procedure we 'do better overall' in securing our rights".<sup>37</sup> The key emphasis, as with Kant's approach, is on rights, and not security – per Hobbes. These citizens may not *agree* with all particular decisions following from the procedure; yet they must still bear relevant liabilities.

This threshold comprises three components (I would term them the *Stilzian interpretation* of Kant's requirements) based upon Stilz's Kant-inspired account of political obligations within liberal democratic states.<sup>38</sup> These three components are:

Firstly, the state must afford its citizens a reasonable "sphere of private freedoms", such as the freedoms of personal security, thought and conscience, private property, association, and movement (Freedom);

Secondly, the state treats individuals equally before the law, equipping them with equality of opportunity and reasonable limits on wealth accumulation between all citizens (Equality);

Thirdly, the state is determined through open, democratic, fair elections where all citizens are capable of voting without external interference (Citizen Independence).

### *Democracy Premise*

For her second premise, Stilz suggests that equal democratic rights are sufficient and necessary in ensuring and convincing individuals that the state is a credible interpreter of their rights. Only *democratic legal states* satisfy the stipulation that the state must be a credible interpreter of citizens' rights.

What does Stilz mean by the *credible interpretation* of citizens' rights? There are two distinct components, which are jointly necessary and sufficient. The first is the *substantive* – that these states in question in fact do practically uphold their citizens' private freedoms, whether it be direct incorporation of them into the decision-making processes, or indirect obtainment of them via reliable and capable means of governance. To this effect, Stilz argues that where a political structure prioritises particular individuals over others in the decision-making process, it thereby allows for the *unilateral wills* of the privileged individuals, at the expense of the *omnilateral will* of the people. Only when all individuals can exercise their one vote in influencing policy outcomes – whether it be directly (via referenda) or indirectly (via representatives) – could the state be said to be representative of the omnilateral will.

The second is the *perceptual* – it is not sufficient for these states to deliver upon these rights; it must be the case that they are *seen* to be upholding these rights consistently and fairly, too. Citizens need to *appreciate* that they are treated equally in states, and democracy is necessary in order for citizens to feel that they have a meaningful say over political decision-making. The absence of democratic political institutions, she fears, may sow seeds of resentment in citizens who are alienated from decision-making.

Indeed, Stilz also sees the presence of democratic institutions as *sufficient* for authorisation: she holds citizens of democratic legal states as bearing good reasons to affirm their membership of said state, even when they do not actively express such affirmation, given that the system offers them a fair and consistent set of rules through which they can exert influence over state decisions. These reasons, in turn, are sufficient for reason-bearing agents to be said to have authorised their state.

### *Challenging the Democracy Premise*

The argument presented asserts that non-democratic states, with coercive political structures and rules, are unlikely to possess a sufficiently potent connection between the will of most citizens and their state. Stilz concludes her model is inapplicable to authoritarian contexts.<sup>39</sup>

In response to Stilz's approach, and examining both the Nazi and the North Korean regimes, despite both being totalitarian, Jubb argues that "in 'key areas' of policy, 'Nazism blended into "mainstream' national aspirations'".<sup>40</sup> Unlike the Kim regime, the Nazis enjoyed considerable popular support, manifesting in an innate receptiveness amongst the public towards the authoritarian practices of the regime. Jubb thus adopts *reductio ad absurdum*, attributing to Stilz the claim that Nazi Germany's citizens did not democratically authorise their state and therefore had no authorisation-correlated liability to confront its wrongs, which appears to be inaccurate.

In her defence, Stilz remains tentatively open-minded about "other possible sources [of authorisation]" and non-authorisation-based grounds of citizen liabilities. She concedes, "while I argue below that democratic membership is a conclusive source of state authorization, I do not deny that there may be other possible sources".<sup>41</sup> She does not posit the Stilzian interpretation of the Kantian threshold *must be met for any account* of liability, but only for what she takes to be the *most plausible* authorisation-centric view, which is Kantian.

The following hence amounts to one such interpretation. Whilst on Kantian grounds, Stilz does explicitly rule out non-democratic states, a core bulk of her *specific reasons* for restricting the scope at hand to democracies – one that views authorisation as built upon the democratic state's being a credible interpreter of citizens' rights – do not, in fact, systematically preclude the inclusion of authoritarian states within the scope. By challenging the *democracy as necessary* presumption, we thus pave the way for introducing an authorisation-based account that applies to authoritarian contexts.

Firstly, *some* authoritarian states *can* substantively and credibly interpret and uphold their citizens' freedoms. Recall from our characterisation of authoritarian states that whilst they may violate the basic rights of those within their citizenry that *oppose* the state, they do not therefore actively violate the basic rights of *most* of their citizens. Amongst citizens are individuals whose private freedoms are recognised, tolerated, and conditionally advanced under the state. Hence, for at least these individuals of which particular rights (cf. the ones stipulated above) are upheld by the state, it could be said that the state does *credibly interpret* their rights.

A particularly illustrative case study here would be the economically successful, developmentally robust MDAS of Singapore. Many would consider Singapore an archetype of a highly functional state with routine elections that had – historically – adopted a distinctly non-democratic approach to domestic legislative elections and governance<sup>42</sup>; its citizens' core economic and social freedoms are nevertheless by and large upheld through the provision of a robust rule of law, highly sophisticated and mature judiciary, a significant level of restraint exhibited

by the executive on citizens' private freedoms, and a fairly respected delineation of the boundaries between private and public spaces in public policymaking.<sup>43</sup>

For most Singaporean citizens – not only the supporters and voters of the ruling *People's Action Party*, but also citizens that harbour, yet do not necessarily express vocally, their sympathies for the opposition – the Singaporean state has and continues to deliver upon upholding their security, private property, and freedoms of thought and conscience, as well as of capital and personal movement. Singaporean citizens are afforded access to an abundance of socioeconomic rights in one of the most developed economies in the world.<sup>44</sup> Both the *freedom* and the *equality* conditions are hence tentatively met for this subset.

As for the criterion of *citizen independence*, Singaporeans are able to influence their governments' decision-making through a roster of mechanisms, including regular elections consistently won by its leading, governing party, the People's Action Party; such mechanisms include "Meet-the-People Sessions" arranged by the ruling party, digital platforms and communication channels manned by members of the civil service, as well as a broadly meritocratic system of personnel appointment and promotion.<sup>45</sup>

Secondly, some authoritarian states are, in fact, *perceived subjectively* by their citizens to be credible interpreters of their citizens' rights – more precisely, their private freedoms. In Singapore, at least 70% of respondents in a 2020 World Values Survey noted that they had "a great deal" or "quite a lot" of confidence across all state institutions.<sup>46</sup> When it comes to the substantive and objective dimensions of authorisation, Singapore consistently ranks very highly amongst international rankings for its quality of life and level of human development.

Beyond Singapore, perhaps an outlier in its high quality of governance, there exist other non-democratic states, such as Uganda and China, that also enjoy a very high level of support of their governments from their own citizens.<sup>47</sup> Granting that surveys indicating such support may be skewed by the inherent challenges of collecting data on public opinion in authoritarian states, it nevertheless holds that *some* authoritarian states are widely viewed by at least parts of their publics as capably delivering upon their core pledges.

The evidence presented thus far is non-conclusive – we will return to more case studies and statistics across Chapters 6 and 7; yet the above has given us room to think that both substantive and perceptual components of credible interpretation are satisfied by at least *some* authoritarian states, for *some* of their citizens.

### **Could There Be a Non-Kantian Neo-Stilzian Approach to Authorisation?**

A distinctly Kantian objection is that my view overtly ignores the fact that in all authoritarian states, by definition, citizens do not possess the right to vote in procedurally open and fair elections, which seem procedurally necessary for the incorporation of their will in the government composition. An implication is that whilst authoritarian states may coincidentally serve the interests and uphold the rights of some citizens, this arises out of chance and is not guaranteed substantively through robust procedures (e.g. one person, one vote).

Along similar lines, recall that the authorised state Stilz envisions here must satisfy three distinctive criteria: freedom, equality, and citizen independence. At first glance, then, Stilz does have a point in excluding authoritarian states: given it seems that authoritarian states do not respect the private freedoms of *all* their citizens (1); given the persecution of minorities and political opposition, it is not the case that *all* citizens are equal before the law and enjoy ample opportunities (2); and – finally and trivially – the absence of *institutionalised and competitive elections* directly contradicts the third criterion (3). In short, authoritarian states seemingly do not make the cut, given their failure to satisfy Stilz’s interpretation of Kantian requirements.

My rejoinder is simple: we should do away with the Kantian stipulation that the existence of institutionalised democracy, *qua* competitive elections, is necessary for authorisation. In short, Stilz’s account would be much improved in explanatory strength and coverage by adopting a relaxed version of criterion 3.

### *The First and Second Criteria*

In response to challenges concerning the first (1) and second (2) prongs, it is evident authoritarian states are unlikely to satisfy these two conditions for *all* of their citizens – but neither do a vast majority of democratic legal states.<sup>48</sup> Many real-life democratic states regularly violate these conditions with respect to at least significant subsets within their populations. Consider, for one, the American police’s treatment of African American and other racial minorities,<sup>49</sup> or, alternatively, the subjugation of non-Hindu religious minorities under the incumbent Indian administration’s historically inflammatory political rhetoric and other discriminatory practices that grant favourable treatment to Hindu populations in India.<sup>50</sup>

Indeed, the fates of ethnic and political minorities across racially and ethnically divided democracies – for example, Bangladesh<sup>51</sup> – as well as institutionally flawed democracies with significant advantage afforded to the incumbent – for example, Mexico<sup>52</sup> – suggest that Stilz’s criteria do not apply to the lived experiences of many across nominally democratic countries in the world. In short, if we are to adhere to Stilz’s conditions stringently (i.e. it must be the case that the state meets the stipulated criteria for all its citizens), then Stilz’s DAV would apply to a very narrow set of democratic countries, excluding many that motivated her initial analysis.

In concession, Stilz herself suggests that “even a state that reaches threshold capacity for being an authorised state can fail to realise that potential with respect to some portion of its population”.<sup>53</sup> Even if the state does meet the threshold under general terms – in relation to most of its population – it could still fail to meet the threshold of authorisation in relation to particular segments of the population.

More reasonably, then, the authorisation-centric account should analytically partition populations into groups, in accordance with the extent to which the way the state treats the individuals within these respective groups satisfies the three conditions (freedom, equality, and citizen independence). For groups such as members of the majority ethnic groups, associates and beneficiaries of the state apparatus, or powerful businessmen and middle-class actors in authoritarian states, the

above three criteria are often empirically satisfied, and thus it would be reasonable for Stilz to accept that they are indeed authorisers of their states, on the grounds that they do live with respected rights, equality before the law, and the capacity to influence their state's decision-making. In contrast, groups such as structurally oppressed minorities, subjugated and excluded populations, and the deeply persecuted groups are likely to (though not always) fall outside the set of individuals encompassed by the above three conditions.

For those who belong to neither of these "extreme" cases, the extent to which they can be said to have authorised the state will vary on a case-by-case basis, and likely maps onto a continuum ranging from no authorisation to complete authorisation. Per this view, then, Stilz's conception of authorisation can and indeed should be applied across democratic and non-democratic contexts alike, though it should only identify as responsible the post-partition groups of agents to whom the specific three-fold criteria apply. This interpretation makes more sense than the *all-or-nothing* approach advanced by Stilz in her original conception of authorisation-based responsibilities. Indeed, Robert Huseby adopts a similar position, in differentiating between enfranchised and disenfranchised parts of the population and holding only the former responsible on grounds of authorisation.<sup>54</sup>

### *The Third Criterion*

We must now confront the thorniest of the three criteria – the claim pertaining to *citizen independence*. Stilz's commitment to Kantian theory implies that she will not do away with this argument – and hence the attempt to apply her DAV to authoritarian states is a non-starter. Yet could there be a non-Kantian, Neo-Stilzian account that preserves the above insights, whilst innovatively including non-democracies in the ranks of authorised states?

To qualify as authorisers, citizens must be able to *reliably play* a part in influencing their states' decisions – echoing our earlier discussion of the defects in Parrish's ASM. As will be elaborated upon in the subsequent two chapters, I hold the view that this criterion should be replaced by a stipulation that *the authorised state must reliably incorporate the preferences of the authorising citizens into its decision-making processes* – with or without democratic institutions.

Empirically, it is not the case that only the governments of liberal democratic states can reliably include the voices of some of their citizens in their decision-making processes. In his diagnosis of authoritarian resilience in China, Andrew Nathan observes that post-1989, the Communist Party's rule has been vastly strengthened by its installation of broadly meritocratic systems of personnel promotion and appointment, the partial co-optation of grassroots dissent and voices through village elections and democratic municipal elections, and the establishment of channels of political protest and appeal within the country.<sup>55</sup> Electoral authoritarian regimes in East Asia throughout the second half of the 20th century – for example, Taiwan towards the end of Chiang Ching-kuo's tenure and South Korea under Chun Doo-hwan and Roh Tae-Woo<sup>56</sup> – incorporated popular dissent through managed elections that, whilst favourable to the incumbent, would also promote

internal competition within the party, with mass appeal being a primary basis for stringent internal evaluation.

As it stands, Stilz's view cannot be extended to cover non-democratic states, on the grounds that they fail to satisfy the *citizen independence* condition. Yet it is possible, and will be demonstrated to be justified, to adopt a related view that pivots away from the Kantian roots of her original argument. We should tentatively retain the broader framework of authorisation she espouses – one rooted in a credible interpretation of citizens' rights, which can nevertheless be applied to authoritarian contexts. Hence consider:

*Neo-Stilzian View.* Provided that any state – on both *substantive* and *perceptual levels* – credibly interprets the rights of any particular citizen *x* in its actions, satisfies criteria of *Equality* and *Freedom* in relation to *x*, and reliably incorporates *x*'s preferences into its decision-making process (as an alternative to *citizen independence*), then this state is indeed authorised by *x* over its actions. The mechanisms of incorporation could be democratic or non-democratic. The authorising citizen *x* bears some reparative responsibility for the injustices perpetrated by the state.

#### *Evaluating the Neo-Stilzian Account in Accordance with the Three Desiderata*

Does the Neo-Stilzian account fare better under scrutiny than the ASM in authoritarian contexts? Intuitively, this account appears to do much better than Stilz's original account in meeting Desideratum 3 under authoritarian regimes – a significantly larger subset of individual agents can be justifiably held responsible under this account, thereby aiding with the amelioration of the outstanding responsibilities to redress injustices. Indeed, if the intention is to justify that it is possible to assign reparative responsibility to certain authorising citizens who may not get a vote yet can support and influence their state's decision-making in other ways, then the model appears to be broadly successful.

By not appealing to, as Direct Distribution Accounts do, the culpability of individuals for the injustices in question, authorisation-centric accounts reorient discussions of reparative responsibilities around the relationship between the state and the citizen – thereby offering a coherent case for responsibility assignment. Furthermore, in lieu of merely invoking the criterion that citizens derive presumptive benefits from their state in question – a condition that is met by even highly draconian authoritarian states that exclude their citizens from decision-making processes – there is a clear requirement that citizens should, in fact, be able to influence the outcomes of their government's decisions. Consequently, the Neo-Stilzian account supersedes the ASM in identifying agents who should be held responsible – and justifying why they are, in fact, responsible specifically over *these very decisions* (Desideratum 2).

With that said, this account struggles when it comes to the first desideratum. Indeed, I have the distinct worry that the Neo-Stilzian View *overshoots*. It unduly holds responsible individuals who are insufficiently cognisant of the exact nature of

injustices perpetrated by authoritarian states, as well as those who are manipulated into perceiving them as credible interpreters and upholders of their rights. Citizens who lack *the minimal level of* access to information concerning particular actions by their state – even if they fulfil all three of the criteria stipulated by Stilz as sufficient for them to be *tentatively authorising* – should not, in fact, be deemed as having authorised these specific actions.

Authorship is an intentional concept<sup>57</sup> – it requires that the authorised acts as a representative of the authoriser, in a manner that at least renders it tenable for the authoriser to be said to *own* the decisions undertaken on their behalf. A citizen residing under a fundamentally authoritarian state that discreetly operates mass concentration camps and successfully represses public knowledge of such camps (such that the average citizen is *wholly* ignorant) cannot be said to be the *author* of the establishment and operation of these camps, given that the existence of such camps does not register – both directly and indirectly – in the citizen’s consciousness.

Within democracies, Stilz argues that states can be acting within their mandates even when they are acting in ways that invoke rights that their citizens do not possess, provided that they are engaging in a “reasonable interpretation” of their citizens’ rights. Perhaps a similar move could be adopted when it comes to authoritarian states – so long as the authoritarian state reasonably interprets its citizens’ rights in exercising particular actions, its citizens can be deemed to have authorised these actions.

The question, of course, is what “reasonable” denotes here. A plausible interpretation rests on whether such injustices arise out of actions that citizens can expect reliably that their state would undertake. In the event that it is widely known that a military junta participates in the mass killings of innocent civilians, the authorising citizen hence can be held reparatively responsible for the killings, of which they are well cognisant of the occurrence and moral wrongness, whilst still authorising their state. When it comes to the highly secretive persecution of the opposition – what David Pozen terms “deep secrecy”<sup>58</sup> – however, such targetting does not intuitively seem to yield state actions in which the average authorising citizen is thus implicated.

A further concern is that Stilz’s reasoning does not appear to take seriously the depth and deep ubiquity of manipulation throughout authoritarian states, in rendering the case that even if individuals are largely free, equal with one another, and capable of influencing state decision-making – and recognise themselves as bearing these traits – they could still lack the *fundamental autonomy* to be genuine authorisers. John Christman argues that citizens’ legitimate acceptance of membership must be “historic” – it must be the case that if an agent accepts their membership in a state, it should also be the case that they are able to (under idealised conditions) reflect on the process by which their attachment to the state arose, and not regret or resent this process.<sup>59</sup> If citizens’ ostensible perception of their state’s upholding and enforcing their rights is, in fact, produced through processes that cause them to develop first-order preferences that deviate from their second-order interests, then it would be unfair to impose reparative responsibilities upon them on the ostensible grounds that they are authorisers.

Consider dominant-party or personalist authoritarian states with robust, enduring party-state institutions of propaganda, misinformation dissemination, and loyalty

inculcation via national and state education programmes. An example would be the Soviet Union during the Cold War, of which the government long succeeded in manipulating its citizens into accepting and acquiescing to their rule – through monopolising and controlling precisely their access to information, emphasising the achievements and appeal of the Soviet system, and admonishing and stigmatising critics of the regime. An education theorist pledged to “make the young into a generation of Communists. Children, like soft wax, are very malleable and they should be moulded into good Communists. . . . We must nationalize them”.<sup>60</sup> Propaganda and brainwashing hence began from a young age – through trenchant discourses emphasising the utopian ideals and commitment of the Soviet Union.

Widespread installation of “political shrines for the display of propaganda about [Lenin]” across mainstream schools, paired with extensively propagandistic cinema, arts, and even agit-trains, buoyed the state’s expansive campaign aimed at instilling total loyalty. The many Soviet citizens’ perception that their state is a credible interpreter of their rights was, in a large part, the product of targeted, intentional public opinion and discursive manipulation. As such, the Neo-Stilzian account struggles to account for the rather unique and emphatically distinctive circumstances in authoritarian states.

### **The Affirmative Case for Authorisation-Based Account of Reparative Justice**

We have thus far examined two broad authorisation-centric frameworks of citizen liabilities, the ASM and Stilzian frameworks, rooted in, respectively, the Hobbesian and Kantian traditions.

Both, despite subsequent amendments and clarifications, have evident defects when applied to authoritarian contexts. Both critically overshoot when it comes to the first desideratum, especially the ASM. In particular, the ASM also struggles in accounting for why the kind of political authorisation in question should give rise to specific reparation-centric responsibilities. On the other hand, given its significant dependence upon Kantian reasoning, the Stilzian approach appears too dogmatic in its exclusion of authoritarian states from its scope of prospectively relevant contexts.

Given this, the question thus becomes: why should we hold onto authorisation as a primary ground of responsibility assignment? Why not opt for alternatives? There are two parts to tackling this question. The first requires a clarification of what I take, if any, to be the most definitive key features of an authorisation-based approach to reparative justice. The second constitutes a defence of the virtues of these key features as an effective approach.

### ***The Underlying Logic of Authorisation***

Drawing upon the above discussion, I take the following five propositions to be the definitive, underlying background premises of my authorisation-centric account of reparative justice:

Firstly, in general, authorisation constitutes a *bi-predicate relation* that connects an *authoriser* with an *authorised agent*. The authoriser here could be an individual, a plurality of individuals, a collective, whilst the agent could be a politician, a local government, or, indeed, a national-level government presiding over a state. Authorisation, in turn, gives rise to the need on the part of the authoriser to “own up to the actions they have authorised”.<sup>61</sup> The authoriser transfers to the authorised the right to perform particular actions; the authoriser must in turn bear responsibility for the outcomes that follow from such actions. In the context of state authorisation, the state is the authorised agent relative to all those who – through whatever mechanisms and on whatever grounds – authorise it; this does not extend to its relationship with non-authorising citizens who occupy the same territory. Authorisation is hence not an *all-or-nothing* notion when it comes to the population in question.

Secondly, in authorising the agent, the authoriser is essentially *transferring* her rights to act over a particular *domain of policies*, to the authorised. Suppose that I, as a loyal worker and member of a workers’ union, authorise my union leader to protest and organise strikes on my behalf in relation to my wages and working conditions – I am hence transferring to the leader my right to unilaterally protest and strike, in the domain of all policies or events that may affect my wages and working conditions. I should thus duly comply with instructions or prescriptions issued by the leader concerning when and for what reasons I strike.

Thirdly, the concept of transfer can be decomposed into two different possible paths. The first path constitutes direct *mirroring* – for example, the authorised actor possesses exactly the same right as the authorising agent (if I authorise someone to fully take care of my paintings, they essentially have the same rights in relation to my paintings as I do, save from rights to transfer or destroy the paintings). Yet if transfer is purely captured by mirroring, then citizens cannot transfer to other agents rights they do not have. Should this be the case, then it appears that across all instances of state-perpetrated injustices, where the state is acting in ways that individuals do not have the rights to (i.e. perpetrating a wrongdoing), no citizen can be said to have authorised the state to act as such. How could this be?

The second path hence constitutes *normative entailment* – justifiability based purely on citizens’ rights and instrumental considerations concerning how such rights are best upheld. The authorised actor may accrue rights that the authorising agent does not have; such contingent *pro tanto* “rights” can nevertheless be justified through tracing these actions to *the interests* of the authorising agent. Such a justification maps onto what Stilz dubs “reasonable public interpretations”: so long as “some minimal threshold [of *reasonable* connection between the authorising agent’s interest and the contingent rights of the authorised agent] is passed”.<sup>62</sup>

For instance, a citizen has the right to education, but has no right to demand that others unequivocally pay for their education; yet in acting on behalf of a collective in advancing their respective rights to education, the state possesses the right to tax citizens and direct the taxes collected to the construction of a public school, for this is entailed by the *rights* of individual citizens.

Fourthly, the authorised agent, as Hobbes describes it, acts with the “[l]icense from him whose right it is”.<sup>63</sup> Such license is granted by the authoriser and, whilst

most accounts concur that such a license cannot be flippantly revoked, it can be revoked if the authorised behaves in ways that blatantly contravene the scope of what they are authorised to do. In other words, the transfer of rights is conditional upon the obtaining and satisfaction of particular standards. Short of such standards, the transfer of rights can be reversed; authorisation hence ceases.

Authorisation occurs along a continuum of degrees, as opposed to a discrete binary structure – two different individuals can authorise the same agent over the same act – but to different extents. The stronger the authorisation link, the more substantial the ensuing liabilities over the injustices resulting from the authorised act.

Fifthly, a key clarification is needed when it comes to my conception of authorisation. In noting that some state *S* is authorised by some citizen *C* in relation to a particular domain of actions *D*, this is not to say that the state *S* is thereby, all things considered, politically legitimate. Authorisation and legitimacy are related, but fundamentally distinct concepts.

A state *S* is only *legitimate* if it is (a) authorised by a vast majority of its citizens, (b) in relation to almost all possible domains of actions.

Contrast two states. One state (*A*) is widely perceived to be and, in fact, credibly interprets and upholds the private freedoms of its citizens, and ensures that they are treated as equals before the law, with the opportunity to shape governmental decision-making processes through democratic procedures and constraints on majoritarianism. The state also provides for all of the presumptive goods that its citizenry requires, and does not violate any citizen's right to security. This state is clearly authorised per both the ASM and the Stilzian approaches. It is an archetypal *legitimate state*, given that the above criteria (a) and (b) are thus satisfied.

The other state (*B*) does not have an abundance of presumptive goods to provide its citizens with; it does not treat all of its citizens as equals and thus denies a vast majority of them (90%) the opportunity to exercise their political powers to influence state decision-making. Yet, for 10% of the country's population (including grassroots, rank-and-file, and more economically modest households and individuals), it upholds their private liberties, treats them as equals with one another within that subset, provides them with all presumptive goods, and allows them to shape governmental decision-making processes on the front of *only* macroeconomic, public health, and education policies. It is evident that the state here is not *legitimate* (it does not meet a) or b)), yet can still be said to be *authorised* by the 10% in question.

## Recap

Why does authorisation remain our preferred path forward for the identification and justification of reparative responsibilities? There are three key reasons:

The first concerns the innate futility of pursuing a *voluntarist* conception of responsibility for state-perpetrated injustices. As Stilz argues elsewhere, there exists a fundamentally coercive element in the state's relationship with all of its members, which could well hamper the efficacy of any attempt at basing our responsibilities upon

ostensible voluntary involvement with injustices.<sup>64</sup> We do not determine the state in which we are born or live; nor do we possess the capacity, on our own, to drastically shape the way its political arrangements came about and affect us. Many DDAs fundamentally ignore constraints on individuals' autonomy, or the fact that individuals are not responsible for the background conditions giving rise to their involvement in state-perpetrated injustices. A more effective test is hence needed – one that allows for, even in the absence of active consent, the identification of state actions that can be meaningfully attributed to individual members residing under that said state.

The second concerns *practical considerations* concerning how best to tackle the harms that have afflicted, and continue to afflict, victims of state wrongdoings. Given the overwhelming remainder of harms to victims that require immediate and urgent redress, Huseby notably argues that the *Responsibility Shortfall* undergirding DDAs centred around strict moral responsibility requires there to be a clear alternative candidate in parcelling out responsibilities to tackle the pressing remainder of unredressed injustices.<sup>65</sup>

Furthermore, authorisation-based accounts circumvent most of the epistemic, causal, and normative quagmires hampering both direct distribution and – as we have seen in Chapter 4 – structural injustice-centric frameworks. Determining whether individual citizens have authorised their state is far more straightforward than attempting to disentangle individual contributions from the complex, overlapping chains of difference-making causality, or seeking to identify who counts for an intentional participant in the collective project of the state.

The third concerns the ability of authorisation-centric accounts to take seriously the *political nature of the relationship* between the state – including the government – and the citizens, which neither DDAs nor IDAs do particularly well. Indeed, Thomas Nagel notes that the ideal candidate that fills the explanatory gap for assigning reparative responsibilities is likely to be “a special involvement of agency or the will that is inseparable from membership in political society” – this connection, in turn, grounds citizens' responsibility for state acts, “whether we individually played a part in the wrongs or not”.<sup>66</sup> Both Hobbes and Stilz have argued that in serving as *de facto authors* of their state's decisions, individual members must thereby “own up” to and accept responsibility for the actions carried out by their authorised state. There is something emphatically parsimonious and compelling about authorisation-centric reasoning, which takes seriously the *sui generis* relation underpinning citizenship. Specifically, the *entailment* view of state rights above highlights how decisions made by an authorised state exercising a significant degree of discretion can still be attributed to citizens who share a particular relation with their government and should hence be liable to redress such outcomes.

In short, we should conclude this chapter with the following normative principle:

*Authorisation-Responsibility Link.* Provided that citizens *authorise* their state in relation to a range of *state acts* resulting in *particular injustices*, citizens should bear responsibility to redress the effects of these injustices.

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## 6 The Comprehensive Authorisation Model (1)

### Objective Authorisation

Shortly after the 9/11 attacks, the US government initiated an extensive military campaign in Afghanistan, toppling the Taliban administration on grounds of its purportedly abetting Islamist terrorists. Two years later, Washington opened a further front in Iraq, also in the name of prosecuting a different battle against terror. The Watson Institute for International and Public Affairs found that the direct war deaths in major war zones in Afghanistan (between October 2001 and August 2021) and Iraq (March 2003 and March 2023) amounted to approximately 176,000 and 281,000–315,000, respectively.<sup>1</sup> Whilst not all such deaths should be directly attributed to the actions of the US army – indeed, many were caused by insurgents, terrorist groups, and actors warring against the US and allies – it is clear that the two wars started by the US had left a devastating toll on the region at large.

To what extent should American citizens be held responsible for the Bush administration’s decisions to invade both Afghanistan and Iraq? This issue remains hotly contested in both academic and public discussions.<sup>2</sup> Anna Stilz has suggested that “because [the US and the UK] credibly interpret their citizens’ rights, we can attribute them a share of responsibility for harms it inflicts”. Indeed, she further reasons that “allowing liability to be distributed to citizens gives them an incentive to exercise their political participation rights to control the state, minimizing harms to outsiders.”<sup>3</sup>

On the other hand, others have argued that the US governmental decision to initiate the Iraq War was neither justified nor excusable – and cannot be deemed an act authorised by citizens residing under the democratically elected American government, which is presumptively the primary agent acting on behalf of the state.<sup>4</sup> Indeed, it was highly unlikely that as voters cast their ballots in that fateful race between Al Gore and George W. Bush, they had in mind the subsequent actions pursued by Bush’s cabinet in relation to initiating two wars in the Middle East. Some would suggest these wars were *ultra vires* – beyond the idiosyncratically accepted scope and remit of responsibility of the American state.

The US under Bush Jr. *was* no authoritarian state. Yet this does not preclude us from turning to the American context to seek insights on the relationship between citizens and governments in authoritarian settings. The question over what can be reasonably interpreted as the scope of authorised acts by a state remains most salient and germane. This chapter will seek to initiate our search for a sufficiently

robust and fine-grained new account of authorisation-based responsibility, to be continued and closed in the next chapter.

We begin this chapter by surveying the fundamentals of the two-pronged approach that comprise the *Comprehensive Authorisation Model* (CAM). In this chapter, we primarily shall focus on the *Objective Authorisation Account* (OAA) (the first prong), whilst Chapter 7 will primarily address the *Subjective Authorisation Account* (SAA) (the second prong), as well as exploring how the OAA and SAA come together under the CAM.

## An Overview of the Comprehensive Authorisation Model

Across democracies and non-democracies alike, governments of states often make certain decisions without their citizens' express approval of specifics – for instance, in local infrastructural planning, allocating the defence and national security budget, or in revamping education systems and curricula. The executive branch – comprising both political leaders and bureaucrats – tends to take responsibility for exercising its discretionary authority over key domains. Yet citizens do not seemingly have grounds for complaint over their not being included actively in their states' decision-making processes, provided that they are behaving in a manner that *reasonably construes* and *upholds* their core interests when deciding upon what to pursue.

Now, there are clearly times when states act purportedly on behalf of citizens' interests, albeit in ways with which they fundamentally disagree, such as the Iraq War, or the Vietnam War. In the face of the state's attempting to assert that it is acting for us, some of us would be intuitively compelled to protest, "Not in our name!"<sup>5</sup> As citizens, we may intuitively feel that such acts are not authorised by us, and hence we should not be held responsible for the effects that follow from them. Yet whether our government is in fact acting *in our name* turns on the substantive question of authorisation: an authorised state fulfilling such criteria can claim that it is acting in our name; an unauthorised state cannot.

With Chapter 5 establishing that authorisation is a tentatively viable ground for the assignment of reparative responsibility in authoritarian states, I now turn to advancing the CAM in this chapter. The CAM affirms the link between authorisation and responsibility yet is substantively different from both the ASM and the Neo-Stilzian approaches. Provided that citizen C authorises their state S – as *represented* by the government G – over a certain policy domain D, namely, a bounded range of decisions made on the basis of (loosely defined) thematic and substantive convergence – for example, economic, municipal, or public healthcare affairs – C could be said to be responsible for repairing the wrongdoings perpetrated by S within D.

Per the CAM, a citizen C is liable to redress the effects of the policy P of state S within some policy domain D, if either of the following obtains:

- 1) C *objectively authorises* S in relation to D, **or**
- 2) C *subjectively authorises* S in relation to D,

where either one of (1) or (2) is individually and independently sufficient for authorisation. Objective authorisation maps onto the *objective facts* governing the state–citizen relationship – the extent of benefits received by C, the extent to which C’s private freedoms are upheld, and whether the injustice in question falls under a D in which C has the ability to participate meaningfully in decision-making and can be tentatively explained in virtue of C’s interests. Subjective authorisation, on the other hand, is rooted in the distinctive dispositions and attitudes possessed and expressed by C towards S.

Either form of authorisation gives rise to tentative responsibilities on the part of C to redress the effects of P. The scope of authorised actors includes both authoritarian and non-authoritarian states. The CAM does not supersede the raft of DDAs and IDAs surveyed previously. Yet it does fill in the significant gaps, niches left open and questions unanswered by both sets of views.

In the following, we shall first unpack the key tenets of the OAA, apply it to authoritarian states, prior to outlining parameters and addressing a series of objections. Finally, through appraising the advanced account relative to the desiderata presented in Chapter 1, we shall see that the OAA has enduring applicability and robust explanatory force in authoritarian contexts.

### *The Objective Authorisation Account*

At the end of Chapter 5, we established that authorisation features a transfer of rights to an agent whose actions either mirror or are normatively entailed by the rights of the authorising agents. Building on the exposition of John Parrish’s ASM in the previous chapter, *objective authorisation* does not track citizens’ subjective intentions, but the extent to which their government *credibly* upholds their core interests – to be expounded shortly – which in turn renders them bound to the government’s moral track record. Even if they do not receive such benefits *voluntarily*, citizens who derive presumptive benefits from their government can be *reasonably expected* by other presumptively benefiting citizens residing in the same state to bear a portion of the responsibility for the outcomes of their state’s actions – as enacted by the government. Consent, in short, is *not* necessary for objective authorisation.

Drawing upon elements of both the ASM and the Neo-Stilzian accounts, the OAA seeks to establish more definitively the criteria for *credible* interpretation of interests, such that we do not unduly rule as authorised states that are in fact – all things considered – unauthorised. Contra Parrish’s resolve in focusing on the state as a distinct entity from the government, the OAA posits that one of the best approaches to assessing authorisation is via examining the relationship between the citizen and the government of his state. Indeed, this view also extends upon the ontological view established in Chapter 1, which notes that the government *is* the primary perpetrator and executor of state-perpetrated injustices and should hence be featured significantly in any normative analysis of the ensuing responsibilities.

So long as their government is indeed *credibly* interpreting and upholding their core interests, we can thus conclude that the citizens are objective authorisers of

their government and thereby come to “own” the actions of their government, as well as the ensuing burdens and consequences. *Credibility* is to be calibrated against the *interests* of each individual citizen, as opposed to the entirety of the citizenry as a whole. The government must commit to and maintain the threshold bundle of presumptive benefits required for these citizens to feel secure within a state, as well as the most vital private freedoms that matter to them. In short, this government–citizen relationship is not one founded upon or grounded in voluntary consent – but the receipt of substantial and clear benefits that would not otherwise be possible but for the government’s involvement. Concurrently, such a relationship ceases to function upon the government’s failing to hold up its end of the bargain – either by actively violating core freedoms integral to the citizen’s personal sphere or by failing to supply them with benefits instrumental to basic flourishing.

As noted by the ASM, the reparative liabilities are rooted in *fair-play* considerations between citizens – it is only fair that, as individuals represented by the same agent, authorising citizens should bear both the costs and the benefits of their authorised agent’s (the government’s) actions. So long as the presumptive benefits received under the government are stable and abundant, and there exists no clear private freedom violation by the government against them, citizens would thereby open themselves to the normatively justified *risk* of shouldering liabilities in connection with the unjust effects of their government’s actions.

Unlike its subjective counterpart, the OAA places particular emphasis upon the government G – the sum total of institutions, norms, rules, and regulations that collectively represent and preside over the state S, as discussed in Chapter 1.

Accordingly, C authorises S (as represented and governed by G) in relation to some unjust act P within policy domain D if:

- 1) G provides C with a sufficiently diverse and abundant range of *presumptive benefits*;
- 2) C does not suffer from any violation of core *private freedoms* by G;
- 3) G’s discretion over D is *intra vires* – it falls within a reasonable interpretation of S’s mandate – in accordance with considerations in 1) and/or 2);
- 4) There exists some procedure X through which C does have, and is aware that he has, *a reasonable chance* of influencing G’s decision-making in relation to D, in which P falls.<sup>6</sup>

C’s authorisation of G entails C’s authorisation of the state S that G represents.

Let us now consider each condition in detail.

#### *Condition 1: Presumptive Benefits Condition*

Condition 1 bears clear resemblances to the logic of the ASM. As referenced by Parrish, George Klosko emphasises the significance of presumptive benefits as the basis of authorisation. Such benefits may include a key number of personal necessities – freedom of movement, from physical interference and violence, and the satisfaction of nutritional needs and avoidance of malnutrition, but also the many

non-excludable, non-rivalrous public goods taken to be a prerequisite for basic human flourishing, for example, robust and well-maintained transportation and infrastructure, a functional public health system, and a stable environment for the formulation and pursuit of life plans. Indeed, these presumptive benefits could be seen as the prerequisites for core positive liberties, which are, in turn, vital to the individual citizen's self-actualisation.<sup>7</sup>

Recall from our critique of the ASM that it is evidently not enough for such benefits to be limited in kind to only a few out of all the necessary components for citizens to lead broadly secure lives. A government that only provides secure transportation and infrastructure, yet does not uphold or commit to citizens' freedom from physical assault and interference, cannot be said to meet the *minimum standards* required for any authorisation. For citizens to possess a minimal quality of life where flourishing is, in fact, viable, they must be granted access to a sufficiently wide *basket of goods* that are reasonably abundant. This is why the *range* stipulation is of great importance.

These benefits should also be present in sufficient *quantities*, such that citizens can meaningfully leverage them to unlock the capabilities vital to their potential flourishing. We should consider here the capability approach championed by the likes of Amartya Sen and Martha Nussbaum, focusing on the extent to which individuals can meaningfully transform resources into activities that advance their own aims, wellbeing, and welfare.<sup>8</sup> Such capabilities may not be wholly commensurable with one another, but should ideally all be available to a reasonable extent across individuals, in order for their lives to count as minimally decent.

#### *Condition 2: Private Freedom Condition*

Imagine a government that provides most of its citizens with an extensive range of important presumptive goods. These goods include healthcare, occupational chances, reasonable welfare, and comprehensive support for families and parents seeking to raise children. Yet this government concurrently imposes an extremely draconian and violent curfew – one that requires all citizens to be home by 8 pm and until 6 am of each day, or risk being *fired at and killed* by its soldiers. Indeed, the curfew is widely known, and its enforcement without exception and failure, to make the point *very* clear.

It seems implausible to think that citizens in this curfew-imposing state are authorisers of the state over its actions, in the same way as middle-class citizens residing under the highly oppressive North Korean regime cannot be said to be authorisers of it – even whilst receiving generous bundles of goods and opportunities from the government. There is no authorisation in this curfew-imposing state, for the fact that it perpetrates blatant restrictions – indeed, violations – of citizens' basic freedom of movement within the state, sanctioned with disproportionate costs, during the night. The inability for citizens to move around freely without suffering from exorbitant, unreasonable costs is both debilitating in its impacts on individuals' choices and also an inherently invasive limitation of what Stiliz terms to be individuals' "sphere[s] of private freedoms".

Recall that Stilz's DAV posits that "a constitution that protects freedom . . . protects [citizens'] interests in the formation and pursuit of a personal conception of happiness", whilst arguing that the "precise liberties necessary to guarantee civil freedom will vary over time and with the circumstances of a particular society".<sup>9</sup> Whilst the OAA does not share fully the democracy-centric Kantian assumptions underpinning the DAV, it does take an important leaf out of it, in affirming that authorisation is incompatible with restrictions being imposed upon individuals' freedoms of thought, private property, and movement. Similarly, the OAA's view of personal freedoms is restricted largely to a mixture of key economic and material entitlements, as well as guarantees of key bodily liberties. Authorising citizens should also have certain *public-oriented* civil liberties – of political expression, association, and movement – enshrined as key components of the freedoms at stake here.

However, notably as evidenced by Stilz's differentiating between her two premises – *freedom* and *citizen independence*, the concept of private freedoms here does not encompass political freedoms – in relation to participation in open and fair elections that could influence government decision-making. As such, the denial of *electoral rights* does not amount to an innate infringement upon the private freedoms of individuals.

### Condition 3: *Intra Vires Condition*

The above two conditions are oriented around the general relationship between the citizens and their government. The question remains: how does this bear on the responsibilities over particular acts perpetrated by the government? Granting that the governmental apparatus often acts in particular policy domains with a significant degree of discretion, a clear proviso is needed to ensure that the outcomes of such discretion are something for which citizens should be held responsible.

The government cannot be authorised to perform actions that fall outside its mandate of authorisation – that is, that are *ultra vires*. This is, in turn, a concept that should be calibrated and measured in accordance with the core interests of the citizen in question. For instance, consider an authoritarian government that arbitrarily imprisons and kills dissidents targetting the leader in their criticism. Such actions are evidently not instrumental in the obtaining of any significant *presumptive benefits* for the government's citizens. To the extent that a handful of individuals genuinely view themselves as advantaged by such injustices, we shall see from the SAA (next chapter) that they may be treated as *subjective*, but not objective, authorisers. If the government acts in ways that are incompatible with the practical requirements or prudential entailments following from a "reasonable interpretation of [its citizens'] rights", then its citizens cannot possibly be said to be authorisers.<sup>10</sup>

Actions committed with governmental discretion are only authorised by citizens if they are *intra vires*, not *ultra vires*. More specifically, in light of Conditions 1 and 2, a state act is *intra vires* only if it can be accounted for by the state as instrumental in the facilitation of either of the two conditions above – that is, non-violation of private freedoms or delivery of presumptive benefits for citizens. A constructive way of approximating the scope of what *is* authorised is to focus on the particular

policy domain D in which the authorised state act takes place – C may authorise some governmental act P taking place in the domain D1 of infrastructural development, but not for the parallel domains D2 of education policy or D3 of public health. Authorisation in one domain – with clear justification along lines of presumptive benefits and private freedoms – does not automatically translate to authorisation in another.

Note, the provision of explanation here is not – automatically – the supplying of a justification, let alone a valid justification. The injustice is not thereby normatively justified in virtue of the government's invoking these explanations. However, provided that (a) *procedurally*, the consideration of citizens' presumptive benefits or private freedoms does – in fact – play a clearly identifiable role in the deliberative and decision-making process by which the state apparatus arrives at the unjust act, and (b) *substantively*, there exists a *reasonably intelligible* connection between the enactment of the unjust act and the presumptive benefits and private freedoms enjoyed by citizens, it would be reasonable for us to conclude that the act is *intra vires*. The extent to which an explanation is in fact *intelligible* depends heavily upon circumstantial and context-sensitive factors, such as the extent the actions are empirically conducive towards the stated objectives, the availability of alternative measures with lower costs, and the resource and knowledge constraints within which the government operates.

The *intra vires* condition applies to accounts of citizen liabilities for state-perpetrated actions across all policy domains, and to all regime types. For instance, both democratic and authoritarian governments would find themselves allocating capital to building and maintaining essential physical infrastructure – for example, bridges, roads, hospitals, and schools. In such contexts, these governments can invoke the fact that their actions are *de facto* aligned with the interests of the objectively authorising agents, in ensuring that they can enjoy the presumptive benefits of mobility, travel, and access to healthcare or education. If these governments, with the purpose of raising capital, find themselves raising taxes against their citizens to fund the necessary operations, then such taxes do appear to be tentatively aligned with the presumptive benefits and non-rights-violations of citizens, and thus authorised.

Of course, most unjust acts resulting in serious detriments tend to lie in between the two ends of the spectrum: they are neither as innocuous and harmless as picking up trash and keeping the streets clean, nor as blatantly heinous as the murdering of innocent civilians. Consider a hypothetical authoritarian government that criminalises aggressively proselytising religious speech in public, on grounds that it could trigger serious societal instability. Whilst such restrictions could be plausibly justified in the name of public interest (in social stability and minimising sectarian strife), there also perhaps exists an element of unjust suppression of speech and right to publicly practise one's religion. Citizens whose interests can be nominally claimed as likely to be advantaged by governmental discretion in the policy domain of religion management and governance, and whose interests are reflected duly in the governmental deliberative process, could still be deemed as tentatively objectively *authorising* of their state's actions – so long as the other conditions are also met.

Condition 4: Influence Condition

An account of authorisation comprising conditions 1, 2, and 3 alone is inadequate. The root concern lies with the perennial *possibility* that this presumptive benefit-providing government exercises its powers over its citizens in an *arbitrary manner*. For citizens to be more than *passive beneficiaries* that happen to incidentally benefit from their state's actions, and to truly come to "own" the effects caused by these actions, it should be that their interests are, in fact, reliably reflected by their government – qua representative of the state – in its actions. Otherwise, the government, and thus the state, could not be said to be acting in *their name*, but merely to be bringing about *accidental benefits*.

I would draw a parallel between this and authorisation, in suggesting that *wholly* dominated individuals cannot *authorise* the state, whether it be a democracy or non-democracy.<sup>11</sup> Only when individuals are *sufficiently non-dominated* could they be able to authorise their government – even if they do not get to choose or actively consent to their state's governance. The final missing piece comprises the stipulation of *reasonable influence*: that authorising citizens can, and know that they can, play a role in shaping the state's decision-making vis-à-vis the act in question.

Chapter 5 suggests that Stilz's ASM is perhaps excessively narrow in its focus on democratic institutions. Per the Neo-Stilzian account, I posit that accounts of authorisation should jettison the fixation upon democratic mechanisms and focus on a more universalisable rationale that underpins the emphasis placed upon democratic mechanisms. The Stilzian account tackles the problem of *domination* through invoking the *citizen independence* condition – free, open, and unfettered universal suffrage and competitive elections are necessary for citizens to not be arbitrarily governed by a government acting on behalf of unilateral or a few selective wills.

Yet the real crux rests with the presence of clearly delineated institutional boundaries – democratic or otherwise – that prevent any single actor's will from dictating the government decision-making process. Indeed, even nominally democratic institutions alone are insufficient for *citizen independence* to truly hold – consider, for instance, electoral mechanisms heavily bought out and co-opted by powerful oligarchs, who wield outsized influence over the outcomes of these votes. When it comes to authorisation, it is not the *formal voting mechanism* that counts – but the *substantive capacity to influence*.

Short of an absolute one-man autocracy, it is impossible for any individual to possess the capacity to unilaterally *determine* his state's actions to the exclusion of all others. Indeed, a system that allows for this would also give way to the dominance of a unilateral will – as warned of and rejected by Kant as a state that lacks legitimate political authority. One's government is likely to be, in varying degrees, under the influence of wills other than one's own, generating decisions with which one may not always concur. We could even go a step further and posit that some of these decisions are made in ways that dominate oneself, sheerly in virtue of their lack of procedural justifiability. This holds across both nominally democratic and non-democratic contexts – in the former case, we could consider the extensive gerrymandering, selective voter disenfranchisement, and selective

application of criminal laws and the penal code as *de facto* barriers contributing towards the domination of disenfranchised minorities in contemporary democracies, such as the United States.

Clearly, domination exists on a continuum. Yet whilst total *non-domination* may be a trivially unrealisable ideal across all states, a *relatively high level* of non-domination is not. Given this, power is not arbitrary if it can be “reliably constrained by effective rules, procedures, or goals that are common knowledge to all persons or groups concerned”. These rules “must actually constrain how that power is exercised” and can be effective without being “formal laws” – that is, politically, efficacy need not entail formal democratic representation. Awareness of such constraints must be “common knowledge”, such that individuals believe “the probability  $p$  that [these constraints] will be respected remains high across a suitably wide range of nearby possible worlds”.<sup>12</sup> So long as individuals are sufficiently free from domination by the agent that upholds their interests, they can be said to be authorisers of said agent.

Applying such republican insights to authorisation would also address our earlier, serious complaint towards the ASM – its failure to rule out instances where individual citizens have a complete lack of effective ability to influence governmental decision-making, as with the Tatmadaw military junta in Myanmar (for most Burmese civilians) and the North Korean regime (in relation to most of its heavily monitored and controlled middle class).

#### REASONABLE CHANCE OF INFLUENCE

We should also clarify what a *reasonable chance of influence* means.

Firstly, it denotes a *minimal threshold probability* by which an individual’s preference is reflected in the policy authorship process of a governmental decision. Note, the individual citizen is unlikely to be directly involved in the development and making of any particular decision on the part of the state – for that would render them complicit in the state act, as opposed to merely authorisers. Yet in having their preference acknowledged and incorporated into the selection, appointment, and removal of personnel in charge of decisions over particular domains, this would thereby suffice in providing the citizen with at least the minimal chances of shaping the decision-makers – and thus the outcomes of policy domains over which these decision-makers exercise leverage.

Secondly, such a threshold probability must in turn be guaranteed through a variety of *stably enduring procedures*. This stipulation crucially renders it that the authoriser’s influence is consistently maintained, as opposed to being innately and wholly contingent upon the arbitrary whims of the purportedly authorised agent. Consider two different corporations: Corporation A stipulates that the views of junior employees, many of whom are subordinates to the mid-management, must be considered by senior corporate executives, when it comes to the hiring and promotion decisions for mid-management personnel; Corporation B, on the other hand, features the same hiring and promotion processes, but for the fact that the corporate

executives are not required to consult junior employees or take their opinions as credibly binding inputs in the process. Clearly, Corporation A possesses more of a functional selection procedure that translates the preferences of employees into meaningful inputs, whilst B does not.

Even whilst the junior employees in A do not wholly agree with the subsequently appointed or promoted managers, they could still be said to have at least partially authorised these managers – as compared with those in B. When viewed in this light, unfettered, robust democratic elections are but one amongst many possible procedures that can give rise to a reasonable chance of influence on the part of citizens. As we shall see shortly, there exist non-democratic procedures of leadership appointment/removal, promotion/demotion, which guarantee the minimum threshold probability by which citizens can authorise their authoritarian governments to act on their behalf.

Furthermore, not only must the citizen C possess (objectively) a reasonable chance of shaping government decisions, but C should also see himself (subjectively) as such, in order for this condition to be satisfied. This is because *authorising citizens* should feel sufficiently cognisant and confident of their capabilities to meaningfully effect change, in order for their wills to be truly instantiated in their state's actions.

Suppose I live under a hybrid, loosely federal government with free and fair elections in which all citizens can vote, but only in the selection of municipal and district governance officials; as for top officials in charge of security and foreign policies, they are selected by a handful of incumbents, who are under no direct or indirect pressure to incorporate the views of individual citizens (including myself). In this case, it is evident that my authorisation of the government, and consequent liability, does not extend beyond the domains of local affairs, for which my municipal government officials are responsible. If citizens can only meaningfully influence decisions concerning their public health system (e.g. hospitals, clinics, and the supply of doctors and nurses), it would be ludicrous to hold them as having authorised their state's national defence and foreign policies.

As such, citizens who have a *reasonable chance* to meaningfully influence their government's decision-making in some particular *domain* can thereby be described as having authorised their government in relation to *only* that domain. Domains are a suitably flexible and reasonably reflective level of specification that strikes the balance between being excessively narrow (i.e. mapping onto individual policy decisions or particular policies) and excessively broad (i.e. all governmental policies and decisions). Through treating authorisation as a *domain-specific* concept, the OAA avoids the pitfall of *over-counting* instances of purported authorisation for acts perpetrated outside the domain of acts objectively authorised.<sup>13</sup>

## **Key Objections and Parameters**

Having introduced the OAA, I shall now consider and respond to two distinct objections and two parameters governing the OAA's application.

**Objection 1: No Influence**

The first objection holds that it is futile to speak of *meaningful influence* as a means of differentiating between *arbitrary* and *non-arbitrary power* by the state, whether it be in democracies or non-democracies. This is because, in practice, the likelihood that an individual citizen can alter the precise decision made by their government remains trivial – especially for populations beyond a certain critical mass. Andrew Gelman, Nate Sliver, and Aaron Edlin raise the point that “on average, a voter in America had a 1 in 60 million chance of being decisive in the presidential election”<sup>14</sup> – this is a statement concerning the republican-democratic government of contemporary United States, where a mixture of factors, including the electoral college, gerrymandering, and concentration of voters with shared electoral preferences in most states, renders it the case that the presidential election (and House/Senate numbers in representation) is determined by a handful of “swing states”.

Correspondingly, this worry appears to apply ever more germanely to authoritarian states, where citizens lack electoral institutions through which they can reliably exercise impact on governmental decision-making, through which they can at least (nominally) partake in a competitive process by which candidates must campaign and vie for their support. Does this pose an issue for the OAA?

This objection fundamentally ignores three key facts. Firstly, as noted by Julia Nefsky in her analysis of imperceptible harms, the ability of individual citizens’ votes to *make a difference* stems from their votes being a part of a wider, collective action – one that may lead to sizeable benefits or harms, one way or another.<sup>15</sup> For every ballot cast in a democracy towards the winning candidate, the voter’s act shifts the needle, increases the margin, and impacts the *exact number of votes* won by the victor, even if the difference made is – in terms of the winner–loser outcome – *imperceptible*. Short of being the *triggering*, tie-breaking vote that settles a possible tie, each voter in a democracy does not suffice in swinging the overall electoral results. Yet whilst the absolute probability of an individual vote making a difference to the eventual outcome is relatively low in absolute terms, this does not negate the centrality – and presence – of procedures that ensure that voters’ preferences are still included in the democratic process. The fact that one individual citizen’s action alone cannot sufficiently alter the outcome fundamentally does not thereby render the action *impact-less*.

Secondly, elections are not the only pathway for meaningful influence. Across both democratic and authoritarian contexts, policymakers do not solely respond to votes in elections when calibrating their policies and decisions. Indeed, in partaking in public, open discourse, lobbying relevant stakeholders behind closed doors, or contributing towards what the policymakers interpret to be indicative of mass opinion, citizens can all make a difference to political decision-making and outcomes in their respective countries. Clearly, there exist certain non-electoral procedures by which authorised agents in the governmental apparatus feel compelled to respond to and take seriously authorisers’ interests in the decision-making process.

Thirdly, the upside of the *domain-specific* stipulation is that we can thereby focus our discussion on areas and domains in which citizens indeed can make

more of a direct impact – even in authoritarian states. For instance, in the late 1990s, it was evidently impossible for a citizen residing in China to determine or influence the composition of the Central Politburo – the most powerful collective decision-making organ in the Communist Party of China. This does not, however, preclude a villager residing then in the countryside of the Jiangxi province from playing an active role in meaningfully influencing the selection of his local village representatives through grassroots elections featuring a couple of hundred voters.<sup>16</sup>

### ***Objection 2: Involuntary Objective Authorisers***

The second objection concerns the subset of involuntary authorisers. Take, for instance, dissenting individuals harbouring strong grievances towards their government who apparently satisfy the criteria for objective authorisation.

Consider Arthur – a citizen who satisfies all four criteria above in relation to the state’s macroeconomic and labour policies, yet who disagrees vehemently with some of the decisions pursued by his state.

When confronted with the devastating costs of his state’s decision to enslave select populations and turn them into forced labourers, Arthur vocally protests: “I do not endorse such cruel atrocities; the government does not speak on behalf of me!” More generally, suppose Arthur takes to opposing the government – through private criticism or public advocacy. Should we still deem him an objective authoriser, and hold him liable accordingly? Does this not seem unreasonable?

Now, the force of the OAA lies with its being beyond and independent of voluntarist intuitions, that is, the thought that only those who voluntarily assent to reparative liability should be held responsible accordingly. There will indeed be cases where objective authorisers do not at all *subjectively* endorse the government or view themselves as authorising agents, yet, for reasons established above, could still be deemed by other members of their political community, as well as outside observers, as liable for redressing the negative effects of their state’s actions.

The absence of voluntary endorsement does not pose a problem for the OAA. Conditions 1 and 2 render it the case that only citizens who stand to derive significant gains from their *state’s existence* at large – in both positive (presumptive benefit) and negative (absence of freedom violation) terms – can fall into the subset of objective authorisers. A further, refining crux is offered by Conditions 3 and 4.

Per Condition 3, if the government can reasonably invoke the fact that its unjust actions are entailed by the pursuit of the interests of the citizen in its rationalisation process, it would thus be reasonable to hold that the act falls tentatively within the remit of costs that the citizen could be expected to bear. Per Condition 4, so long as the citizen meets that procedurally enshrined threshold of probability, this would imply that they are meaningful constituents of the co-authors of government decisions. The crux lies not with *participation* – which is Pasternak’s primary contention – but with the *de facto* ability to influence and shape elements of government decision-making, which *can* be exercised accordingly.

Yet we should also qualify the reparative responsibilities at hand. As Chapter 8 will demonstrate, objective authorisers who vocally disagree with their

state-perpetrated injustices should seek to compensate for, oppose, commemorate and apologise for, or advance institutional reforms in response to the injustices perpetrated. So long as those dissenting from the government partake in such reparative actions, as Arthur seems inclined to do, they could be deemed to have discharged their reparative responsibilities. This stipulation thus creates an opening for objective authorisers to “opt out” – by tackling the effects of state-perpetrated injustices, even if indirectly and on a piecemeal level. We shall later revisit the charge of over-demandingness.

### *Two Parameters*

In our application of the OAA, consider two further parameters. Firstly, we should look at the extent to which individuals have stood to derive *more* presumptive benefits than other citizens from the particular state. Agents who are vastly enriched by the government as compared with their counterparts are, all things considered, more *reparatively responsible* than their counterparts, for a number of reasons. Individuals who are benefitted significantly are likely to have more that they ought to redress and can afford to redress more (without contravening their core, vital interests). Additionally, the more individuals are enriched by their state, the greater their *de facto* normative intertwinement with their state’s activities and actions – consider, for instance, the juxtaposition between a Russian oligarch who has derived much from Putin’s kleptocratic rule, as compared with a middle-class family that has been benefitted as distant and remote beneficiaries under the policies of the current Russian administration pursuing the war in Ukraine. Finally, the state–citizen convergence and alignment of interests is substantially stronger in cases where citizens derive copious levels of key benefits from their state. Term this the *benefit parameter*.

Secondly, the more *de facto* influence citizens wield in the decision-making processes (over particular policy domains), the more they could be said to have objectively authorised the outcomes that follow – and thus the more responsible they are for redressing the injustices that follow. Influence exists on a continuum, though there exists a clear “cut-off” threshold beneath which citizens cannot be said to be authorisers. This is why *significantly coerced citizens* could never be objective authorisers. Yet it is reasonable to argue that beyond such minimal thresholds, the greater the capacity of citizens to shape policies, the greater the extent to which they must bear the reparative responsibilities for unjust outcomes that follow.

A prominent columnist with a national platform and considerably greater berth who actively speaks out in defence of the gross human rights abuses by the state should be deemed to possess greater reparative responsibilities towards the victims of such abuses than, say, a more junior journalist whose words are granted far less weight in government decision-making processes. Hence the columnist is more responsible than the journalist. Term this the *influence parameter*.

### **Applying the OAA to Authoritarian States**

The OAA can be reasonably applied to many citizens residing in certain authoritarian states – specifically MDAS – supporting the conclusion that these citizens should be responsible for redressing state-perpetrated injustices. We should consider each of the conditions in turn.

#### ***Presumptive Benefits Condition***

Can objective authorisation occur in authoritarian states? Let us consider a few distinct examples. In Suharto's three-decade rule over Indonesia between 1967 and 1998, "rapid and sustained economic growth under the New Order enabled Indonesia to graduate from the rank of 'low income countries' into the 'lower middle income countries' by the early 1990s [with] per capita income increasing by 10 times between 1965 and 1997". Much of this could be credited to the "rapid and sustained expansion by gross domestic investment" undertaken by the state apparatus.<sup>17</sup>

In tracking the trajectory of the Chinese poverty alleviation efforts since Deng Xiaoping initiated the seminal pro-market reforms in the late 1970s, economists Martin Ravallion and Shaohua Chen noted that "China has made huge overall progress against poverty, but it has uneven progress", with the proportion of the population living under their stipulated poverty lines reducing from 53% to 8%. Noting that reduction stalled in the late 1980s, early 1990s, and late 1990s, the authors also noted that the bulk of poverty reduction had taken place in rural areas, where destitution, starvation, illiteracy, and stunted development had been chronic issues during the 1960s and 1970s.<sup>18</sup> A 2022 World Bank report noted that the Chinese state had reduced the number of poor people in the country by 770 million in approximately four decades – comprising over half of the country's substantial population.<sup>19</sup> The significant investments by the Chinese state into highways and railroads have been instrumental in expediting industrial development and urbanisation. As Nathaniel Baum-Snow and Matthew Turner observe, "an average prefecture in the PRC saw its railroad network length increase from 151km to 218km",<sup>20</sup> with such infrastructure paving the way for substantially expedited inter-city travel and increasing transformation of tier-three and tier-four cities in the country's hinterland.

Under Meles Zenawi's authoritarian leadership, between 2000 and 2010, Ethiopia's Human Development Index rose from 0.292 to 0.421.<sup>21</sup> The country experienced an unprecedented period of economic growth, topping 10% for eight consecutive years, through investments in infrastructural projects and smallholder agriculture. National poverty rates admittedly fell from 44% in 2000 to 30% in 2011, per the World Bank's estimates – though it is worth noting that three in ten of the country's population remained deprived of access to basic services and infrastructure as of 2011.<sup>22</sup> Even whilst some of their compatriots have benefitted substantially and perhaps qualify as objective authorisers, those who were fundamentally deprived under Zenawi cannot be deemed to be objective authorisers of the state's actions.

On the other hand, Mobutu Sese Seko's authoritarian rule over Zaïre (present-day Congo) saw the country embroiled in extreme debt, unbridled inflation, significant currency devaluation, and general civic unrest. In 1979, the country's purchasing power slid to 4% of its 1960, pre-Mobutu levels.<sup>23</sup> Embezzling billions in fueling his own corrupt and nepotistic rule, Mobutu and his cronies appropriated IMF-provided loans for their own usage, leading to the dismantling and unwinding of international financial institutions and commercial banks' presence and involvement in the country. Poverty was widespread, with extreme inequalities between the small, select circle of Mobutu associates and most of the country's population. It would be plausible to conclude that Mobutu's state failed to meet even the most basic goods and conditions that a state ought to provide for the vast majority of its citizens. It was highly likely that a vast majority of citizens in Zaïre were in no way objective authorisers of their government, given the grossly negligent and unaccountable rule pursued by Mobutu.

From its independence from France in 1960 till the first multi-party democratic elections in 1993, the Central African Republic (CAR) had been plagued by severe economic malaise, radical inequalities, and deeply thwarted infrastructural developments. Indeed, the CAR remains one of the poorest countries in the world, with the lowest GDP per capita out of all countries in 2017.<sup>24</sup> The vast majority of citizens in both the CAR and Zaïre are vastly unlikely to have objectively authorised their governments. The CAR and Zaïre are cases that the OAA would deem the majority of citizens non-authorising, and hence not liable to redress state injustices on the grounds of authorisation.

These observations are not intended to suggest that the Chinese and Ethiopian states were objectively authorised by *all* citizens, nor that the CAR or Zaïre featured *no* objective authorisation. The intention is instead to demonstrate that levels of objective authorisation can and do vary across different authoritarian states.

Now consider this objection: trivially, citizens in authoritarian states cannot vote for their leaders in open, contested, and fair elections. Could the right to do so not be a presumptive benefit to which citizens are entitled, such that the failure to provide for this right to *any citizen* thereby disqualifies the state from being authorised, per Parrish's logic?

I do not think so. The right to vote in open and fair elections does not appear to fall under the category of *presumptive benefits*. Indeed, Klosko defines such goods, drawing upon Rawls' conception of primary goods, as "goods [that] must be necessary for an acceptable life for all members of the community". He further names "physical security, protection from a hostile environment, and the satisfaction of basic bodily needs" as examples of such needs. These are goods of which "indispensability . . . overrides the outsider's usual right to choose whether he wishes to cooperate".<sup>25</sup> In contrast, the right to vote in open, contested, and fair elections is by no means as central and predominantly weighty as these goods. We could easily imagine states where all such basic needs are satisfied, and yet citizens remain politically disenfranchised.

In short, conceptually, the authoritarian state *can* be a presumptively beneficial entity, even if it does not allow for effective enfranchisement of the average citizen.

***Private Freedom Condition***

A critique may be that the above focuses predominantly upon the provision of benefits. What of the upholding of core private freedoms? Are there authoritarian states out there that can provide their citizens with these goods without violating their private freedoms, too?

For instance, Saudi Arabia is known for its low crime rates, heavily developed and well-funded national defence, education, and welfare, as well as a successful crack-down on terrorist and insurgent activities.<sup>26</sup> Critics have nevertheless challenged the state for its firm adherence to conservative Islamic Law and implementation of draconian punishments – for example, capital punishment – against transgressors. Whilst it would be imprudent to dismiss the social stability and public order maintained by enduring monarchical rule in countries such as Brunei and the UAE, we should also be cognisant that these states' provision of presumptive benefits could well be associated with the absence of basic respect for vital private freedoms.

For other instances of authoritarian states that even more frequently and aggressively violate the private freedoms (including key human rights) of a vast majority of their citizens, we can look no further than the Taliban rule in Afghanistan from 1996 to 2001<sup>27</sup> or the Samuel Doe regime in Liberia between 1980 and 1990.<sup>28</sup> All these regimes were characterised by significant upheaval, civil strife, and draconian, repressive policies implemented by the governments through reprehensible repression and targetting of the opposition. These also featured extensively extractive economic policies that prevented a vast majority of the public from accessing economic and occupational stability. The OAA would not apply to a substantial majority of the citizens in these cases.

Let us now turn to instances where this condition is met for at least a reasonable segment of the population. Christopher Lingle argues that Singapore's "authoritarian capitalism" fuses a significant range of economic freedoms and legally enshrined private property rights with substantial state controls over the public, political life undergirding the country.<sup>29</sup> Others have proposed a broad tripartite framework of obliged freedom, comprising the maximisation of economic output, an emphasis upon self-responsibility, and broadly autonomous choices, in describing the complex dynamics between state and citizenry in Singapore.<sup>30</sup> The heavily paternalistic government does not seek to overtly censor or repress, yet opts instead to govern through advancing normatively significant narratives that shape and guide individuals' choices – such as the constancy of external threats to Singaporean stability, the centrality of strong political leadership, and the assertion that Singapore is a fundamentally meritocratic society.<sup>31</sup> In lieu of direct restrictions upon citizens' freedoms to consume and disseminate information, the state apparatus resorts to subtler techniques of social influencing and engineering in preserving its grip on power, whilst concurrently accommodating plenty of the private freedoms cherished by individuals.

Critics could, of course, cite the US State Department's comments on the "restrict[ions upon] any public statements that [the Singaporean state] contended would undermine social or religious harmony, or that did not safeguard national

or public interest”, in positing that citizens within Singapore lack substantive and significant freedoms of public expression or assembly.<sup>32</sup> Yet this does not actually undermine my argument – for I am not affirming the view that the government meets the Private Freedom Condition for *all* citizens, but for a *sufficiently significant proportion* of them, such that *they* can count amongst authorisers of the actions perpetrated by their government.

### **Intra Vires Condition**

Let us begin with a fairly non-contentious starting point: where authoritarian governments carry out actions that all governments would typically do for average citizens (e.g. arresting thieves, stopping embezzlement, tackling environmental degradation), citizens who authorise their state ought to shoulder at least portions of the reparative costs over the injustices arising from these actions. The innocuous nature of these actions renders them well within the mandate of the government – and thus even if they do not at all voluntarily *consent* to taking up these responsibilities per se, citizens can be held responsible for repairing the harmful effects of such government decisions, provided that the other conditions are satisfied.

The authoritarian government is clearly capable of acting *intra vires*. As Adam Przeworski pithily quips, “autocracies do collect garbage, regulate traffic, issue dog licenses, and fill street holes: they govern . . . People in autocracies do not incessantly live under the shadow of dramatic historical events; they lead everyday routine lives”.<sup>33</sup> Across a number of MDAS, the government command vast resources and coordinate them in generating the requisite infrastructure, economic foundations, and institutionalised norms and regulations to sustain the provision of such presumptive benefits to a majority of their citizenry. Such behaviours can be extensively observed in authoritarian governments such as contemporary China, Vietnam, and Rwanda, where the government operates through extensive bureaucratic institutions, norms, and processes.

The question becomes – what of *state-perpetrated injustices*, neither as innocuous as traffic regulation and street hole-filling, nor as egregious and overtly transgressive as large-scale genocides or unprovoked and deeply unpopular wars, are clearly *ultra vires*? Are there cases when public interests have been empirically – and not wholly non-credibly (setting aside the normative validity of the move) – invoked to justify injustices?

The answer rests to the affirmative. Categorically, consider cases where ethnonationalist authoritarian governments undertake extensively discriminatory practices directed towards minorities – which fall just short of large-scale violence, genocides, and ethnic cleansing (which tend not to meet the criteria for *intra vires* for most of the population). Across these cases, the government both tends to invoke seriously as well as advances, to some substantive extent, the accrual of presumptive benefits and upholding of private freedoms for the ethnic majority, at large.

Prime examples include the Suharto regime in Indonesia and the Phibunsongkhram regime in Thailand (1938–1944), which, respectively, adopted extensive anti-Chinese discriminatory measures that were nevertheless highly popular with

the non-Chinese constituents of their respective societies. Suharto's rule coerced Chinese Indonesians to forego their heritage – as manifested through the suppression of Chinese naming, language usage, and religious practices; Field Marshal Phibunsongkhram's premiership saw the forced closure of Chinese schools and associations. Both authoritarian regimes erased and appropriated elements of Chinese cultural influences.<sup>34</sup> These regimes behaved in ways that were blatantly unjust, albeit explainable through the lenses of the presumptive benefits and freedoms of the ethnic majorities in their respective populations.

### *Influence Condition*

The OAA applies primarily to identifying responsible agents within MDAS – governments presiding over economies that feature a mixture of inclusive and extractive institutions that are broadly bound by consistently maintained, even if not transparent, rules governing opportunity and dividend distribution. Richard Carney writes of *authoritarian capitalism* in countries including Brunei, Singapore, and contemporary China, where authoritarian political institutions are combined with largely functional, robust capitalist economic institutions, allowing for the maintenance and operations of private businesses, alongside various concentrations of state-owned enterprises.<sup>35</sup> Whilst authoritarian capitalist institutions are marked by repeated erosion of private–public divides pending the political whims of the particular leaders, such legal incursions do not thereby thwart the possibility for largely market-based allocation of resources and investment in sectors where the authoritarian government sees value in preserving, if not championing, the market.<sup>36</sup>

A worry is articulated by Parrish, who contends that authorising citizens should “witness and judge their state's actions through a public process that is reasonably fair and open”, which is difficult in authoritarian states with “closed or dysfunctional public spheres that effectively deny voice to citizens”.<sup>37</sup> In order to truly understand how some citizens' wills are, in fact, reliably incorporated into government decision-making in some MDAS, we should look to empirical political literature on *authoritarian resilience*. In particular, let us begin by examining the endurance of (I) dominant-party regimes, prior to turning to alternative types of governments. In his diagnosis of the resilience of the Communist Party of China, Andrew Nathan points out that subsequent to the rule of the strong-man Mao Zedong, the Party's rule was consolidated through shifting away from Maoist instigation and ideologically dominated decision-making, and towards a more technocratic rule underpinned by (a) the implementation of norm-based succession, (b) meritocratic constraints on factional disputes, (c) institutional specialisation and differentiation, and (d) establishment of “input institutions” that translated popular opinions into inputs considered by local bureaucrats and party elite.<sup>38</sup>

The former three factors ensured responsive and broadly competent governance, whilst the last factor was distinctly responsible for incorporating select popular demands and discontents into the Chinese political system.

Additionally, non-governmental organisations (NGOs) “coexist[ed] in a ‘contingent symbiosis’” alongside the authoritarian governmental apparatus, as

Anthony Spires observes in China in the 2000s.<sup>39</sup> In providing active feedback to municipal governments, these entities played a key role in advancing labour rights and HIV-AIDS awareness promotion and public health campaigns<sup>40</sup>; the consultative process in turn rendered them authorising agents in relation to at least the public health *domain*. Yuen Yuen Ang writes of the “directed improvisation” where Chinese state bureaucrats serve as the primary agents of adaptation, driving forward policy adjustments and revisions based on a basket of factors, including popular receptiveness and feedback from key demographic samples.<sup>41</sup>

Similar processes can be found in other dominant-party authoritarian regimes. Hai Hong Nguyen applies Nathan’s distinctive framework to analyse the relationship between the Communist Party of Vietnam and the Vietnamese public.<sup>42</sup> Political reforms have instilled a modicum of grassroots democracy (as with China in the countryside<sup>43</sup>), encouraged party members and junior cadres to enter into the private market – whilst absorbing entrepreneurs and investors into the fold of the party, as well as bolstering the direct responsiveness of senior party leaders to grassroots complaints and mobilisation. Đoàn Văn Vươn was a shrimp farmer who was unduly evicted and had his farmland repossessed by security forces. The case gave rise to mass public backlash towards the local security apparatus, leading to the Prime Minister declaring that the eviction was unlawful. As Benedict Kervliet argues, by the 1990s and 2000s, the Vietnamese regime had morphed into a “responsive state”<sup>44</sup> – one that responds to public demands and concerns by incorporating them into bureaucratic decision-making across different levels. Public opinions can and do matter – even despite the broader curtailment and restriction of civil and political liberties.

Drawing upon the Chinese and Vietnamese experiences, I propose that there exist three sets of relatively stable procedures through which a significant number of citizens, even in the absence of open and fair elections, can still meaningfully influence decision-making in particular dominant-party authoritarian regimes: firstly, consultative mechanisms aimed at encouraging citizens to voice and express criticism (within explicit or implicit limits) of governmental policies, especially of local governments; secondly, semi-open and strategically couched dissent, which place direct pressure on state organs most responsive to popular sentiments; as well as thirdly, elite norms and practices that take seriously the interests and needs – especially on the economic front – of the public.<sup>45</sup>

What of other types of authoritarian regimes, such as (II) militarist and (III) personalist authoritarian regimes? In his highly innovative, ground-breaking *Gambling on Development*, seasoned economist and government advisor Stefan Dercon makes the observation that authoritarian, strong-man regimes in East Asia throughout the second half of the 20th century, such as Indonesia under Suharto and Korea under Park Chung-hee, maintained their grip through engaging in what he terms the “development bargain”, which enabled them to co-opt the “capital-owning classes, urban professionals, and public servants”.<sup>46</sup>

The question, of course, was whether the public had direct or indirect mechanisms of swaying the bargain, which often takes place without being “negotiated and announced in public . . . must instead be inferred, even for those close to

the key players”.<sup>47</sup> Indeed, that the elite in militarist and personalist authoritarian states care about promoting economic development does not necessarily imply that they are hence responsive to the needs, preferences, and demands of the people.

In their thorough and expansive research into competitive authoritarian regimes (e.g. Peru under Alberto Fujimori, Ukraine under Leonid Kuchma), Steven Levitsky and Lucan Way argue that these states seek to justify themselves through invoking the claim that they possess a mandate from the people; their similar – albeit less competitive – counterparts in *electoral authoritarian* regimes (e.g. Kenya under Daniel arap Moi), as discussed by Andreas Schedler,<sup>48</sup> tend to rely heavily upon a responsive bureaucracy paired with elections that moderately skewed towards the incumbent. It is evident that the results of such elections are warped, manipulated, and subject to pervasive influence. Yet it is equally apparent that authoritarian state leaders place significant emphasis upon the distribution and numbers of votes acquired through elections – to the point where they may design and adapt policies in pre-emption of the likely reactions from the public. Such flawed elections hence provide an additional mechanism through which citizens do, in fact, exercise clear but limited sway over the decisions and actions of their government, and in which voter preferences serve both optically legitimating and informational values.

There also exist plenty of non-MDAS that lack these very mechanisms above. This also explains why we would not, intuitively, hold most of the present-day citizens of Myanmar under the Tatmadaw as thereby responsible for their regime’s actions – popular support for the incumbent junta regime remains incredibly low in peripheral regions, where backing for insurgency groups and opposition militias runs rampant. No open, fair, unfettered elections have taken place in the country since the 2021 coup.<sup>49</sup> The same could be said of the Taliban’s first stint of theocratic rule in Afghanistan in the late 1990s and early 2000s.<sup>50</sup>

In general, there are clearly numerous authoritarian governments that quite simply do not meet Condition 4. For instance, governments whose primary claim to legitimacy pertain to their serving designated and limited segments of the population (e.g. V) oligarchic, or IV) absolute monarchical rule) through resource-based rent-seeking, militarised terror and brutalisation of opposition, and extensive surveillance evidently do not need to take at all seriously their citizens’ feedback. Neither the Abdrabbuh Mansur Hadi-led government nor the Houthi rebel-led “government” in Yemen, which has systemically excluded – respectively – significant swathes of the country’s population who disagree with these respective “leader” candidates – could be deemed to be entities over which the average, ordinary Yemeni citizen can have meaningful influence. The Hadi-led state was boycotted by Houthis in the north and Southern Secessionists in the South (whilst it lasted); the Houthi rebels’ government, on the other hand, does not feature any substantive representation of regions of the country controlled by forces loyal to the cause of restoring Yemen’s former government.<sup>51</sup>

A worry may be as follows: there could well be mechanisms by which citizens in authoritarian states have their voices and preferences heard and responded to – but there is no certainty or constitutional guarantee that this is indeed the case. Open

and fair democratic elections, on the other hand, nominally seem to ensure that each voter's vote is counted in the process. Does the *certainty* here not matter when it comes to preventing the government from ruling in an arbitrary – and hence – dominating manner?

My response to this is relatively simple: we need not even deny the thesis that open democratic elections may be, all things considered, the *most* reliable procedure guaranteeing that citizens can influence and shape their state's actions across different levels. What we should reject, however, is the assertion that they are the *only* qualifying procedure that reliably ensures alignment between government decisions and the preferences of a plurality of citizens.

Across most MDAS, many citizens are aware of the means through which they can relay their opinions and views to the government. A study on the implementation of e-government in contemporary China has found that the speed and utility of government responses to citizen complaints and demands are positively correlated with the satisfaction of the citizens. Such relationships in turn feed into and are mediated by the overall level of perceived government responsiveness.<sup>52</sup> Citizens turn to platforms and channels such as these to articulate their demands and concerns – not because of some irrational, ritualistic reasons, but because doing so is seen by them to be effective. Similarly, Vietnam has embraced e-government as a means of bolstering governmental transparency and accountability and cracking down on corruption – which can be reported on and filed properly via digital conduits.<sup>53</sup> Barriers to participation do not eliminate the possibility for the Influence Condition obtaining across significant swathes of national populations under many MDAS.

### **Evaluation in Relation to Desiderata**

It is now time for us to evaluate the OAA with the three desiderata that we set out.

#### ***Desideratum 1***

Does the OAA successfully minimise the subsets of overshooting and undershooting? I will begin by acknowledging that the OAA could well omit from its scope of identified authorisers those who actively contribute towards state-perpetrated injustices, despite not benefiting from their state's rule, or – indeed – deriving presumptive benefits from it.

There may also be cases where individuals who are completely shut out of government decision-making processes nevertheless consciously and voluntarily benefit from injustices committed by the state. These are but a few of the obvious subsets of individuals that the OAA does not, in and of itself, deem responsible.

Yet in defence of the account, note the OAA is never intended to supply an exclusive set of conditions that are *necessary* for liability assignment. The OAA should and can be combined with accounts that have been aforesaid in generating a more complete picture of responsible agents in face of the challenges across authoritarian states.

### *Desideratum 2*

The second desideratum concerns explanatory precision. Does the OAA offer the right kind of justification for individual responsibilities, as well as delineating reasonable limits to them? Much of the discussion above has focused predominantly on the former question – so here I hope to address the *Limit Condition*.

The two parameters outlined go a long way in ensuring that the responsibilities assigned to individuals are proportionate to the extent to which citizens are (i) objectively authorising their governments and (ii) consequently responsible for taking up portions of their states' reparative burden. It is crucial that these proportionate parameters are introduced, such that individuals who are more closely connected with the state, and with more degrees of freedom in relation to their state's actions, are thus held liable – albeit not blameworthy – for the wrongdoings committed.

As a corollary, in setting two clear thresholds – the receipt of a sufficient range of presumptive benefits as well as the minimum level of influence over government decision-making – the OAA seeks to ensure that it does not unduly hold responsible individuals who either are not in a position to influence government actions or lack the appropriate connections of benefiting to their government in question. What has been outlined thus far are relatively general principles that can be further fine-grained. We will address concerns pertaining to costliness and over-demandingness in Chapter 8.

### *Desideratum 3*

The final desideratum concerns *praxis*. As evidenced by the application of the theory above, the OAA does apply to a sizeable number of authoritarian states. Additionally, whilst most of the examples cited thus far have been archetypal cases of MDAS, it would not be unreasonable to apply the framework to states that perhaps lack popular support, and yet nevertheless remain open to meaningful influence by members of the states' public and population at large. So long as the citizens in question do benefit – presumptively and comparatively – from the government and can play a meaningful role in steering government decision-making, this already suffices as a justificatory basis for their authorisation. They need not be subjectively affirmative and in favour of the government to develop reparative responsibilities.

Does the account impose excessive costs on responsible agents? I do not believe so: by setting the level of influence as a key parameter, the OAA ensures that the more capable one is of influencing the state's decision-making processes, the more responsible one is – this, indirectly, mitigates against instances where individuals must undertake significant sacrifices to bring about minor effects or adjustments to governmental policies. Close confidantes and significant others who possess access to senior political leaders in positions of influence under oligarchic or dominant-party authoritarian states are likely to wield relatively greater influence over governmental decisions and actions than the average middle-class family of regime beneficiaries. It is hence most reasonable to impose greater responsibilities

on the former group of individuals than the latter, on the grounds of the previously discussed parameters.

## Recap

We have now set out in full the OAA, which comprises one of the two parts of the substantive CAM. In the next section, we shall examine the second half of the CAM, prior to considering how the two prongs of the model interact with one another.

## Notes

- 1 Watson Institute for International and Public Affairs, “Human Cost of Post-9/11 Wars: Direct War Deaths in Major War Zones, Afghanistan and Pakistan (October 2011–August 2021); Iraq (March 2003–March 2023); Syria (September 2014–March 2023); Yemen (October 2022–August 2021), and other Post-9/11 War Zones,” *Costs of War*, <https://watson.brown.edu/costsofwar/figures/2021/WarDeathToll>.
- 2 This chapter was in part published in Brian Wong Yue Shun, “Citizen Liabilities for State-Perpetrated Injustices in Non-Democracies: Toward a New Authorisation Account,” *Critical Review of International Social and Political Philosophy* (2024), online first, pp. 1–33.
- 3 Anna Stilz, “Collective Responsibility and the State,” *Journal of Political Philosophy* 19, no. 2 (2011): 206.
- 4 Endre Begby, “Collective Responsibility for Unjust Wars,” *Politics* 32, no. 2 (2012): 100–108.
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## 7 The Comprehensive Authorisation Model (2)

### Subjective Authorisation

At the Third All-Russian Congress of Soviets in late January 1918, the then People's Commissar of Nationalities Joseph Stalin outlined his vision for how non-ethnic Russian populations were to be “governed” under the leadership of the Russian Soviet Republic, which became the largest constituent republic of the newly established Soviet Union (USSR)<sup>1</sup>:

Selivanov said that the bourgeoisie exploits the principle of self-determination to carry on counter-revolutionary propaganda and build up a White Guard . . . The nationalist movement threatens the very existence of the Soviet Government . . . Now that Russia is a Socialist Republic and the champion of the great ideal of freeing the oppressed classes all over the world, there is no longer any reason for separating from Great Russia. Cultural self-determination should be encouraged . . . but not the old nationalistic point of view.<sup>2</sup>

His policy on nationalities became the prototypical blueprint of how the USSR would later treat non-Russian nationalist movements – as inimical, antagonistic threats to the highly centralised and repressive rule of the ruling regime, first led by Vladimir Lenin until 1924, and then by Stalin for the following three decades: to be squashed ruthlessly, without exception.<sup>3</sup>

In the name of “freeing the oppressed”, through torture, murder, and a reign of terror, Stalin subsumed all ethnicities and nationalities under the singular state of the Soviet Union – thereby rendering cultural self-determination for individual nations little more than a cruel, unfulfilled promise throughout his long tenure.<sup>4</sup> He explicitly placed the enduring supremacy of the one party above the multitude of nations within the USSR. The burgeoning Ukrainian nationalist movement was tamed through the particularly horrifying episode of the Holodomor, which produced an estimated death toll well into the millions.<sup>5</sup>

Stalin's vision for his totalitarian state presents us with a fascinating case study in the context of citizen liabilities over state-perpetrated injustices, for two reasons. First, under his iron-fist leadership, the Soviet *state* was built upon an ideological bulwark that effectively eradicated the plurality of nationalistic ideologies and undercurrents that had underpinned its different constituents. Political loyalty was hence appraised in connection with not any particular nation, but an overarching

teleology of socialist transformation and personality cult centred around the leader – him.

The Stalinist regime oversaw the development of a strain of patriotism rooted in a collective “Soviet people”, with Russians occupying a clearly dominant position within the collectivist hierarchy.<sup>6</sup> It was for this reason that *Soviet nationalism* is a curious misnomer – whilst the concept was championed and promoted through the lenses of national interests, in practice, it was anchored in a *super-national identity* built upon the coercive suspension and burying of existing national and ethnic cleavages. All nations were “equal”, but some were clearly more equal than others.

Second, it would seem unreasonable to deem vast swathes of Soviet Union citizens – especially during Stalin’s time – responsible for the atrocities perpetrated by their state, given the extensive levels of coercion, deception, and manipulation that fundamentally undergirded the lived experiences of the Soviet citizenry. Even as they exuberantly waved their country’s flags with beaming smiles and chanted fervently Stalin’s name<sup>7</sup> – some concealing their disgust towards the cruel state apparatus, yet many more moved by what they took to be a real sense of solidarity and longing for the mystique-enshrouded Great Leader – few amongst these citizens could be said to be *genuine authorisers*. That is, given the manipulation, coercion, and deceit experienced by these individuals, we would be vastly sympathetic to the judgement that their government was acting *not in their name* – at least, not in a way that should compel them to redress their state’s aberrations in the gulag system or the Holodomor in Ukraine.<sup>8</sup>

Whilst Chapter 6 has established the key claims of the OAA, this chapter shall advance its subjective counterpart.

Hence consider the SAA: If *C subjectively authorises S* in relation to some policy domain *D*, then *C* is liable to redress the effects of the policy *P* within *D*.

In contrast to the OAA, however, the state occupies a direct and clear standing in the way authorisation is conceptualised per the SAA – that is, subjective authorisation does not necessitate the mediation or involvement of a government *G*. With that said, citizens’ perceptions of their government can still serve as a reliable empirical proxy for their subjective authorisation, conceptually.

In this chapter, we shall outline the core conditions of the SAA, prior to applying it to authoritarian states and establishing clearly its differences from Pasternak’s ASM. Whilst the SAA can indeed be applied to democracies, its real explanatory strengths come through most prominently in authoritarian contexts – where democratic authorisation-centric views would yield the upshot that no such authorisation exists. We will then move on to assessing both the OAA and the SAA as components of the CAM, as a whole.

### **The Subjective Authorisation Account<sup>9</sup>**

Picture here a genuine believer of the Stalinist agenda in Soviet Russia, who consistently viewed the Soviet state to be the best representative and defender of the interests of the Russian people, ever since Stalin delivered that fateful speech at the Third Congress. Suppose further that this hypothetical believer was not threatened

and coerced, nor manipulated and brainwashed into advocating and championing Stalinist ideals. From the days Stalin took over the reins of the Soviet Union, through the chaos ensuing Stalin's death and Nikita Khrushchev's eventual rise to power, this believer unreservedly endorsed and supported the Soviet state as an agent that acted on behalf of his interests. This true believer would also welcome the fact that he very much shared the same values, attitudes, and core beliefs as espoused by his state – whether it be in terms of pride, shame, or hatred for enemies who purportedly opposed and betrayed the state. When he heard of the atrocities and violence committed by the security apparatus, he would react and cheer on with callous glee.

We can thus view this figure as the archetypal *subjective authoriser* of the Soviet state – one whose subjective mental states and attitudes are sufficient in qualifying him as liable to bear a portion of the costs and responsibilities involved in redressing the injustices committed by the state. He would also be an anomaly amongst his contemporaries.

Per the SAA, C authorises S in relation to some unjust act P within policy domain D if:

- 1) C *endorses* S as credible interpreter and upholder of C's core interests;
- 2) S's performing P lies within the *specific mandate* of the authorisation – which applies over D;
- 3) C *communicates externally* his endorsement, and *can* do the same for his withdrawal of endorsement, of S over D, **and**
- 4) C is not subjected to overt deception, coercion, or manipulation in endorsing S, such that C's endorsement is *genuine*.

Provided that these four stipulated conditions are satisfied, it would be reasonable to conclude that the state is indeed *acting in the name* of the authorising agents in pursuing the unjust action within the particular policy domain, and that the authorisers, despite not being blameworthy, should thereby be held responsible for redressing said injustice.

### ***Endorsement Condition***

As moral agents, we possess both duties and obligations – with the former owed to all persons (both individual and collective), whilst the latter is owed to particular persons (individual and collective) and institutions, based upon our unique interactions and ties with them.<sup>10</sup> Special obligations are accrued in virtue of the particular relations we develop in relation to others – whether it be particular promises and contracts to which we commit (e.g. a promise between a teacher and a student, or an employer and employee), bonds of affinity and affection (e.g. between us and our families, loved ones, and close friends), or, indeed, our associative ties with our compatriots, as highlighted by Jonathan Seglow.<sup>11</sup>

Such relations are distinctive from the general characteristic defining all human agents *qua* humans, which gives rise to universal duties applicable to all human agents. Instead, these distinctive relations are reinforced and perpetrated

through interactions – whether it be in the corporeal or social (e.g. my spending time with you as we are both members of the same family), or in attitudinal and mental forms (e.g. I feel a sense of pride and belonging to a company of school friends that, whilst by no means in physical contact with me, remains heavily influential in shaping how I see myself and the world).

Subjective authorisers mentally interact with their *state* and – by extension – other citizens who share their state – in a normatively significant manner that gives rise to a *pro tanto* case for assigning to them liabilities to repair the unjust effects of state-perpetrated actions. More specifically, through endorsing his state as an actor that purportedly acts on behalf of them, the authorising agent signs onto being *associated with* their state's actions. Taking individuals' agency seriously requires us to acknowledge the normative salience and binding implications of their wills, motivations, and resultant mental states – as opposed to only substantive actions. Even if he does not voluntarily accept the particular benefits and costs – both moral and non-moral – that come with such actions, that he has exercised a choice to *endorse* their state suffices in generating reasonable expectations that he must “own” some of the effects following on from his state's actions.

This claim is in part inspired by the view advanced by Michael Otsuka<sup>12</sup> and Jeff McMahan,<sup>13</sup> who argue that fairness requires individuals to bear the costs of their own risk-imposing actions and choices, provided they are autonomous in making the initial decisions. In the context of the discussion on liability to lethal harm as a bystander, Otsuka suggests that in voluntarily undertaking an activity that could foreseeably result in lethal harm, the individual places her “moral immunity [from lethal harm] on the line”.<sup>14</sup> McMahan argues that there is a *de facto moral gamble* made by individuals acting in ways that they know *may* pose lethal harm to other individuals, even without any level of active intention that such harm occurs on their part. The same logic could be applied to the liabilities to redress detrimental consequences of actions committed by the state that authorisers *choose* to endorse.

Of course, the citizen should also *explicitly* signal this through communicating to others around him who could verify that this is indeed the case. The requirement of explicit expression is founded upon the following consideration: endorsement cannot be so trivial and secretive that it takes little more than a non-communicated *change-of-mind* for someone to be said to have authorised his subject of authorisation. This requirement is crucial in ruling out flippant “authorisers” who do not commit firmly to the state–citizen relationship.

Yet an explicit expression of endorsement of the state is also distinct from a participatory act in active support of the state. Per the former, I could declare to my associates and friends sincerely that “I am a supporter of the wonderful state under which I live, and I am proud of the country presided over by the state”. This is different from my lending active support to the state through contributing towards its operations, propagandising on its behalf, or publicly extolling its virtues. Participatory contribution amounts to a much higher bar than explicit endorsement – and this is why this condition cannot be reduced to or subsumed under Avia Pasternak's *Intentional Citizenship Account*.<sup>15</sup>

*Visualising Endorsement*

How does such endorsement, in fact, play out in practice? There are several pathways through which citizens could deem their states as acting on their behalf and thereby authorise their state. Provided any of the following conditions are met, the Endorsement Condition is thus satisfied:

First, (i) the individual authoriser views his state – comprising constituents including its executive, legislative, and judicial branches – as a direct and faithful *implementer* of his ends. The state's role, in directly replicating and mirroring said citizen's intentions and preferences, must be openly acknowledged by the citizen, for example, the citizen believes that the state will act in whatever ways they intend for it to act. So long as this link of subjective recognition holds between him and the state, then the citizen could be said to have identified their state as representative of their intentions and preferences.

Second, (ii) the authoriser views his state as an *indirect representative* of his interests, acting substantively in accordance with and to ensure overall preservation of his welfare, preferences, and desires. This does not require the authorising citizen's intentions and preferences to be doctrinally adhered to and followed through by the state; indeed, the government may often act in accordance with what it takes to be in the best interests of its citizens – without seeking approval or to “mirror” the preferences of its citizens.

In this light, the concept of authorisation is more holistic and outcome-oriented – citizens authorise their state to the extent that they find the state's means to be justified by the largely sound ends, which conform with and reflect their interests. Indeed, this argument applies particularly potently to the Burkean account that political representation may call upon the individual politician to be willing to defy pressures from their constituency, to secure their overall interests.<sup>16</sup>

Third, (iii) the authoriser identifies himself with the *core values* that the state publicly and openly espouses. Such values could be centred around a particular nation deemed as convergent with the state (in the case of a nation-state, whereby the governing authority co-opts and asserts official representativeness of that nation and its distinctive identity and history); a common set of civic values straddling a multitude of fragmented nations (e.g. in a multi-national state, citizens may identify themselves with disparate nations, only to accept concurrently that they belong to the same state in virtue of subscribing to the values associated with said statehood), or broader sentiments espoused by the state's leaders – for example, narratives of political strength, possession over territorial sovereignty, and willingness to pursue hegemony on the international stage.

Fourth, (iv) the authoriser views himself as closely involved with the *specific policies* adopted by the state in the following manner: he comes to view himself as an active participant or interested stakeholder in the policy decisions enacted, with an active skin in the game concerning how the decisions unfold and play out. He sees these policies as affecting him in virtue of their being made by *his* government. Here, the link of authorisation is generated through the assent that citizens grant towards their state's policies and decisions. Such policy-based perceptions of

proximity and involvement may be restricted to certain domains only (e.g. fiscal policies, for someone who is highly preoccupied and concerned with how their incomes will be taxed) or alternatively straddle multiple policy areas.

Whilst any one of (i) to (iv) is sufficient for a relation of endorsement to be ascribed to the state and the citizen, empirically, it is likely that citizens residing under most states would possess more than one of the above kinds of connections with their states. Tentatively, all four processes can be differentiated from the processes anchoring accounts of reparative responsibilities given participatory intentions, such as Avia Pasternak's and Robert Jubb's. None amongst (i) to (iii) requires citizens to view themselves as active co-participants in the state: indeed, citizens can certainly endorse their state without engaging in, supporting, or backing their state's actions – and *vice versa* (we may also have those who partake in state activities yet are neither objectively nor subjectively authorisers of their state). As for (iv), whilst there certainly is some overlap with Pasternak's participatory approach, I would posit that the focus here is different – the actions of citizens here are relevant because they are explicit signals of authorisation, as opposed to state actions in which they are involved. When I choose to clearly and unambiguously express and subscribe to the conviction that my state is standing by my interests, I am making a conscious choice to inscribe my polity membership into my *self-understanding*, and hence to accept the resultant normative responsibilities.

#### *Beyond First-Order Disagreement*

Now, consider a citizen who endorses his state in general as a credible interpreter and upholder of his rights. Yet when it comes to a particularly pernicious policy, his state takes a clearly divergent stance from his view. Indeed, this policy inflicts extensive damage and injustice upon a large group of innocents – for example, displaced minorities forced to relocate their homes to make way for economic construction. The citizen vehemently disagrees with this particular policy, on grounds that he views the move to be distinctly immoral.

Yet even in these cases, mere opposition to the state's policies in this sphere does not suffice in thereby rendering the individual exempt from reparative responsibilities. A patriotic American may have opposed the Iraq War, but in identifying himself firmly with what he views to be the positive values and achievements of the country in its foreign policy at large, he thus develops a deeply intimate connection to the American state. There are at least two key variants of intimate connection worthy of further substantiation.

One variant comprises *pride*, which “allows modern individuals to be something in the world, to have a certain standing in it”, as Farid Abdel-Nour notes.<sup>17</sup> Individuals could well develop a strong sense of political resonance with their state, or a sense of security stemming from the understanding that the state acts on their behalf and represents their interests, as well as the subsidiary and unique benefits that flow only to those who subjectively identify themselves as aligned with the state through the above means. National pride constitutes “a demand for dignity, or as a penchant for glory”, providing a connection between the “individual's sense

of her place in the world with the nation”.<sup>18</sup> Similarly, we may think that individuals who feel proud of their connection with the *state* are thereby also conceptualising at least somewhat their place in the world through the lenses of the state. As Abdel-Nour notes, “an individual’s pride in the achievements of others is the key” to national responsibility. Here, we could substitute in the place of “others” the *state* – for example, individuals taking pride in the achievements and actions of their *political collectives* – to unlock a state-centric version of Abdel-Nour’s nation-centric argument.

Another variant of this connection consists of *shame* – individuals may feel shameful over the actions committed by a state with which they identify. This could well lead them to voluntarily embrace the need to “do their due shares” and assist with the discharging of these outstanding responsibilities; even if it does not, the sentiment of shame is sufficient in fostering the level of integral intimacy required for the individuals to be responsive to their state. In *The Reader*, Bernard Schlink evocatively captures the sentiments of the post-WW2 German collective guilt and shame shared by many in the population, rooted in the belief that they were affiliated with a state that had perpetrated wanton atrocities.<sup>19</sup> More contemporarily, Christina Tarnopolsky highlights the instrumental importance of shame in shaping democratic deliberation, in fostering a common language through which citizens can make sense of and appraise the wrongness of historical injustices.<sup>20</sup> Citizens who feel shameful about the specific actions committed by their state may nevertheless endorse their state as a general enforcer and upholder of their rights at large – and vis-à-vis the domains in which the actions are committed. Shame pertains to a sense of personal involvement – the *skin in the game* that one feels owing to one’s being implicated in, as opposed to excluded from, the state.

Both shame and pride comprise powerful accounts of how citizens can develop the kind of *integral* connections with their state that render them tethered to their state’s moral track record and legacy, including decisions with which they do not agree on a first-order level.

### ***Mandate Condition***

I have argued elsewhere that for it to qualify as authorised, “the state’s action must fall within the mandate [. . . as] defined by what the authoriser views as conducive towards fulfilling their aims”.<sup>21</sup> Existing authorisation accounts struggle with addressing the long-standing ambiguities concerning where the scope of state-authorised acts begins and ends. The SAA argues there are two necessary conditions for a mandate to be established over a particular domain D for an authorising citizen C: firstly, C needs to be subjectively aware of the state’s *discretionary prerogatives* within D – the fact that it both can and does undertake actions of which exact manifestation and results the C does not know exactly, and that such discretion is limited to only D, as opposed to some other, further domains. Secondly, C should subjectively view actors within his state’s ability to make decisions with discretion, as *instrumentally constructive* in delivering upon his core interests.

Contrast the *Risk-taking Heir*, who retains a banker to manage his private wealth. The heir verbally stipulates that the banker can do *whatever it takes* to bolster the former's financial standing, even if doing so *comes with great risks* and potential downsides to the heir's wealth. The banker accordingly invests in cryptocurrencies and other speculative assets – incurring a significant loss of 70% of the heir's wealth. Such a move is nevertheless authorised, on the grounds that the heir understands and approves of the discretionary rights of the banker and views the banker's discretion within a wide range of possible assets as conducive towards his own financial interests. Whether such a view is objectively grounded in empirical evidence and sound business acumen is a separate question.

Now consider the *Risk-averse Heir* who retains a different banker. The heir verbally demands that the banker invest exclusively in low-risk assets, and that the retention arrangement would expire upon the banker's making a high-risk investment decision. Without seeking the explicit approval from the heir, the banker deploys capital in what *he* – given his professional judgement and experience – views in good faith as high-dividend-generating “high-risk” assets. The banker also incurs a loss of 70% of the heir's wealth. Here, it is evident that the banker has not been *subjectively authorised* over this investment decision – in virtue of the second criterion of the Mandate Condition. It would hence be normatively unreasonable to hold the heir liable for such losses – given that “high-risk” assets fall expressly outside the domain D that is authorised by the risk-averse heir.

### **Communication Condition**

The Communication Condition stipulates that citizens should communicate their endorsement of their state and be able to do the same (hypothetically) over their withdrawal of endorsement, without *significant feasibility barriers*. Without the former, subjective authorisation would thus become a tad too trivial. Without the latter, endorsement would lose its normative significance in grounding the embedment of the citizen's will in the state's actions.

The thought that individuals can *think* themselves into liabilities, or that, independent of any interaction or verification by others, individuals can easily develop responsibilities simply given their mental attitudes and perceptions, would not appeal to sceptics who see the threshold as set far too low. Indeed, we should interpret subjective authorisers' communicative expressions as *speech-acts* – performative utterances that not only describe but also shape the social reality they are describing.<sup>22</sup> Informed and autonomous subjective authorisers *know well* that when they utter propositions such as, “My government upholds my interests well!”, they are effectively acting to validate their state as a credible interpreter and upholder of their interests. This does not necessarily imply they are thus *participating* in the state – consider, for instance, individuals uttering the above propositions to others around them, yet who do not participate actively in state institutions, processes, and structures; nor do they view their utterances as contributing towards the state project overall. In uttering such discourses, however, they are perpetrating speech-acts, which can be

reasonably treated as objects of regulation and judgement in intersubjective interactions between themselves and fellow citizens.

This hence grounds the first component of this condition – that endorsement must be actively communicated. Subjective authorisation should not be viewed as merely a mental process. This requirement is vital for three reasons: one, it reflects our intuitions concerning the weight of representation as a concept (it is more than merely a “change-of-heart”); two, it circumvents the plethora of logistical and practical difficulties with regard to gauging the subjective attitudes and wills of particular citizens; and three, whilst it may appear normatively excessive to hold individuals liable for what they believe (with no direct bearing on others around them), this charge can be de-fused by our focusing predominantly on those who communicate their value judgements clearly to other individuals around them.

These arguments also pre-empt the charge that the SAA trivialises authorisation – in putting authorising agents on and letting them off the responsibility hook based on merely their mental states. For the withdrawal component, I partially concur with Anna Stilz’s argument that an authorising agent should be required to “renounce the relationship. . .”, for to possess the “agency – it must be possible for you to disavow the [authorised’s] acts, so that they are no longer attributed to you”.<sup>23</sup> Both she and David Runciman, who argues “[citizens’ actual] silence can be taken as a form of assent”,<sup>24</sup> reason that to terminate a relationship of authorisation, an active “communicative speech-act . . . addressed to a relevant audience” is needed.<sup>25</sup> In contrast with both accounts, however, I would posit that affirmative endorsement of the state is needed in order for subjective authorisation to exist.

As with the expression of endorsement, the *relevant audience* for such speech-acts need not be a very large and public one. In extreme circumstances where the expressed renouncing of authorisation comes with prohibitive costs, the agent seeking to sever such ties can permissibly pursue a less costly course of action to indicate the sincerity of his intentions.

Consider a one-time Taliban-sympathising Afghan citizen who has become precipitously disillusioned with the Taliban’s return to power. A public denouncement would put his career, safety, and life at risk. Yet he could still reasonably bear slight increase in personal risk through subtle and small acts of defiance, which signal his sincerity about no longer endorsing the state. Now consider a temporal point prior to which the citizen remains devoutly dedicated to the Taliban. Suppose he renounces his endorsement of the regime from *t* onwards – then indeed, he is no longer authorising the state for actions committed at all times subsequent to *t*.<sup>26</sup>

### *Genuineness Condition*

The fourth condition posits the following: for their endorsement of their state to be *genuine* and thus *authorisation-grounding*, subjective authorisers must not be (a) coerced, (b) deceived, or (c) manipulated – at least, they must meet a reasonable threshold of freedom from coercion, deception, and manipulation.<sup>27</sup> This stipulation responds to the raft of objections levied towards Anna Stilz’s DAV across democratic contexts, but also towards the Neo-Stilzian account, as discussed previously

in Chapter 5. Subjective authorisation is only credible if it does not reflect defective conditions of formation, which would undermine the value and validity of the purported authorisation.

In practice, this is likely to entail a continuum-based approach: the more coerced, deceived, and/or manipulated C is in relation to P, the less C could be said to have authorised S over some P. Below a certain level, individuals who are threatened with credible, costly sanctions, deceived to the point where they fail to comprehend the act, and manipulated in developing distorted first-order preferences<sup>28</sup> cannot be deemed to have authorised their state *at all*.

### **Applying the SAA to Authoritarian States**

The objective of the following is not to demonstrate that the SAA applies to all persons across all authoritarian states – instead, it is to highlight that the SAA can be meaningfully applied to at least the subset of most MDAS.

#### ***Endorsement Condition***

The Endorsement Condition is satisfied across a number of authoritarian states, especially MDAS, where the governments enjoy broad popular support. In China, a 1993 nationwide random-sample survey revealed that 94.1% of respondents agreed or strongly agreed with the statement, “We should trust and obey the government, for . . . it serves our interests”.<sup>29</sup> Notably, this survey focused explicitly on the trust citizens vest in their governments – a finding that is again echoed by a series of Harvard Ash Center polls between 2003 and 2020, which found “Chinese citizen satisfaction with government [increasing] virtually across the board”, rising from 86.1% expressing approval and 8.9% disapproval in 2003 to 93.1% approving and 4.3% disapproving in 2016.<sup>30</sup> A comparative survey of a number of 13 East Asian states and regions finds that those surveyed residing under “non-democratic regimes usually register higher regime support and loyalty than their counterparts in democratic regimes” – contrast, for instance, far higher levels of support for the government in the *Asian Barometer Survey* Wave 3 in Thailand (88.9), Cambodia (84.7), and Vietnam (83.5), as compared with those in Korea (27.3), Japan (34.1), and Mongolia (61.4).<sup>31</sup> Certain non-democratic states, such as Cameroon, Uganda, Russia, and China, tend to enjoy fairly high levels of support from their own citizens, as Pasternak notes.<sup>32</sup>

The complex dynamics of *pride* and *shame* are apparently at work in two prominent examples of post-authoritarian transitions: post-Suharto Indonesia and the post-Marco Philippines. The public apologies and acknowledgement of regret in January 2023 by President Joko Widodo<sup>33</sup> for the atrocities committed during Suharto’s tenure, and the compensation by President Benigno Aquino towards victims of Marcos’ martial rule,<sup>34</sup> were respectively backed by strong domestic, home-grown political movements that genuinely captured a sense of collective shame throughout vast swathes of the state’s contemporary citizens. Across both contexts, the upsurge in public interest in redressing past wrongdoings is at least partially

indicative of the extent to which the authoritarian regimes' actions are seen by citizens as *their* state's doing – and as something for which they must take up corresponding normative responsibilities to redress.

Yet such endorsement of governments of authoritarian states is not to be taken as a given. Indeed, throughout history, we have seen a significant number of weak, failed, and deeply unpopular authoritarian states, some of which have culminated eventually in the collapse or changes to the regimes. There are many states that do not meet the Endorsement Condition for an overwhelming majority of their citizens. The highly repressive, predatory rule adopted by regimes such as Mobutu Sese Seko's Zaïre and Francisco Macias Nguema's Equatorial Guinea fundamentally alienated vast swathes of their citizenry, as evidenced by the significant brain and capital flight from both countries under their watch,<sup>35</sup> but also the overt reliance upon violence, coercion, and state-sanctioned terror in preserving their rule. Such regimes stand in relative contrast with the archetypal MDAS we have examined – which in turn rely more firmly on positive economic performance, as opposed to explicit coercion and violence, as the grounds of their legitimacy.

### *Mandate Condition*

Are citizens in authoritarian states connected to their states in the *right* way? Do their states possess the right mandate of authorisation when it comes to the perpetration of unjust acts with deleterious consequences?

In surveying and assessing the sources of pride across Chinese and American citizens in early 2020, Jiaqin Ni, Mengqiao Wang, and Kai Quek find that 67% of Chinese respondents are “very proud” and 28% “rather proud” of their Chinese citizenship. Admittedly, the survey's results do not allow for our discerning between the claim that it is the Chinese nation, or the Chinese state, of which these citizens are, in fact, proud.<sup>36</sup> Yet further insights can be gained through delving into the rationales of such pride: it was found that the pride was primarily rooted in citizens' pride over their country's material achievements – specifically in the spheres of economic achievements, technological and scientific developments, and public service, in which the *government* plays a key role. The anonymisation of results and online method of administering the surveys play a key role in minimising the likelihood of disingenuous reporting of preferences given desirability biases. The results also go to show that the approval of the Chinese state is tethered to the perceived efficacy with which the state has delivered upon these core goods of interest for the citizenry.

Dominant-party states (Type I) such as China and monarchic authoritarian states (Type IV) in the Gulf, built upon narratives of divine authorisation and popular legitimacy, have proven to be remarkably resilient in the wake of the instability brought about by the Arab Spring.<sup>37</sup> A combination of flexibility with partial concessions, doubling down upon nationalistic sentiments and pride, as well as the splintered nature of the opposition in the civil society, enabled states such as Saudi Arabia and Jordan to weather the onslaught of radical, critical voices. When it comes to military (Type II) and personalist states (Type III) led by charismatic

leaders amongst MDAS, the Korean regime under Park Chung-hee proved to be remarkably popular in its early days after it had launched a US-backed coup – only to become precipitously unpopular and authoritarian throughout the 1970s.<sup>38</sup> The key crux for the identification of authorisation lies with the sources and grounds of citizen pride during the period – which had much to do with the rapid economic ascent and strengthening of Korea, as opposed to any deeper culturalist imaginary.

There are plenty of non-MDAS that flagrantly violate this requirement. Recall from Chapter 2 the Pol Pot regime, which committed extensive mass atrocities through extensive destruction, persecution, and famines in Cambodia, to the point of eliminating a significant portion of the country's population. Whilst polling data on Pol Pot's regime – during his tenure – is hard to source, it would be fair to conclude that his actions were deeply unpopular with most of the Cambodian people. Thousands of Cambodians fled the fledgling country, whilst many took to collaborating with Vietnamese invaders who toppled the murderous regime and presided over the country for a decade subsequently.<sup>39</sup>

Notably, citizens often do include caveats in their identification with their state; for one, individuals with moral qualms about war may actively vow that they cannot identify with a government that murders innocent children and women in military conflicts and draw a line there, despite their generally supportive attitudes towards the state. Alternatively, citizens may identify with the fiscal policies adopted by the governments whilst firmly opposing policies aimed at constricting their religious rights and rights to assembly. The SAA is sensitive to the different policy domains that citizens may or may not authorise – and is thus designed to be restrained in the prescriptions it makes concerning redressing injustices.

### *Communication Condition*

The Communication Condition is relatively straightforward when applied. It asks that citizens can reasonably, without incurring excess costs, communicate their endorsement, or withdrawal of endorsement, of their state through a speech-act. The former appears fairly feasible – and is instantiated in authoritarian states amongst citizens who do, in fact, positive comments and discourses concerning their relationship with their state.

To the latter, the citizen must not only mentally convert his belief from, “I endorse this state for it is upholding my rights and interests”, to “I do not endorse this state for it does not uphold my rights and interests”, but also communicate this change-of-belief to *some other individual* who takes the declaration seriously – even if such communication need not occur via high-profile, public conduits.

In totalitarian states where there is constant signalling of loyalty and fidelity to the state, coupled with intense surveillance and punitive sanctions for purported disloyalty, it is clear that the second half of the *Communication Condition* is thereby violated. Indeed, from Stalin's Soviet Union to North Korea, there is no shortage of deeply repressive regimes that would persecute, arrest, intimate, and severely maim those who express, even in private, disgruntlements against the state. These are not contexts in which subjective authorisation can be found – for

withdrawal of authorisation (assuming that it is genuine in the first place) is excessively costly.

Yet many authoritarian states – especially MDAS – are in possession of no overt monopoly over information and dissemination channels, display relatively low levels of repression, and enjoy at least moderate levels of citizen approval and popularity. They do not censor disagreements or criticisms conducted behind closed doors, so long as such critiques do not spiral into excessively vocal and politically powerful rallies against the state.

For instance, the first three decades since Opening and Reforming-up in China had been characterised by broad toleration of private criticism and questioning of state decisions, bureaucrats, and overarching policies, coupled with an ever-tightening yoke on collective expression and discourse. As with other select authoritarian states, the Chinese state would even conditionally permit public protests as a way of undertaking critical information-gathering and sentiment analysis, in recalibrating its policymaking decisions across the national, provincial, and municipal levels. These episodes of contentious politics and contextually limited dissent against the state allow state actors to garner valuable insights into public opinion, and hence are tolerated provided that the state's authority and critical interests of order and stability are not threatened.<sup>40</sup> Such data points also suggest that the withdrawal of authorisation for one's state in semi-public settings remains possible under most authoritarian states that are not highly repressive.<sup>41</sup>

### *Genuineness Condition*

We must of course treat with caution both the results of the attitudinal surveys and the qualitative evidence presented above as free-standing evidence of popular support in authoritarian states. A fundamental, valid challenge is that we might be ignoring the defects rendering them normatively distortionary and unreflective of the actual wills and preferences of individuals.

In *The Unbearable Lightness of Being*, Milan Kundera described that for citizens in authoritarian states, “living in truth, lying neither to ourselves nor to others, was possible only away from the public . . . having a public, keeping a public in mind, means living in lies”.<sup>42</sup> Indeed, Sergei Guriev and Daniel Treisman emphasise the evolution of authoritarian states from depending on brute force to information manipulation, leveraging a wide range of media channels and implicit pressures to shape public perceptions and opinions.<sup>43</sup> The purported surge in Putin's popularity after the Russian annexation of Crimea had much to do with the social desirability bias of being seen rallying around the leader, as opposed to a genuine preference change.<sup>44</sup>

The Genuineness Condition stipulates that coercion, manipulation, and deception would nullify the validity of subjective authorisation. To what extent can this condition hold across the states that we identified as fulfilling the three conditions above for most of their citizens?

Recall that my claim is not that there always exist a majority of citizens who meet these standards across all states, but merely that there exist a sizeable number

of authoritarian states where such subjective endorsement is *genuine* and not the product of distortionary conditions.

Another way of establishing that regime popularity is indeed reflective of well-thought-through reasoning – as opposed to extortionary pressures and deception – is to look at whether citizens' attitudes vary in accordance with the basket of indicators that would be rational for individuals to desire from their governments.

In their comparative survey of the popularity of authoritarian leaders across 51 non-democracies, Guriev and Treisman find that “drivers of political approval . . . vary across different types of authoritarian order”.<sup>45</sup> Whilst some states (e.g. overt dictatorships) tend to resort to repression, indoctrination, and intimidation to preserve popular support, others (e.g. informational autocracies) allow their citizens to develop broadly intact critical reflection capacities, in coming up with independent reasons for supporting their leaders, on grounds that popular support is more long-lasting and less costly to maintain in these cases. Citizens in the latter view themselves as both capable of critically reflecting upon their reasons for supporting (or not) their government, and able to derive specific benefits such as perceived economic performance, perceived safety, and market freedoms from their state. They also note that amongst the “new form of autocracy” that is “better adapted to a world of open borders, international media”, including “the Peru of Alberto Fujimori, the Hungary of Viktor Orbán, and the Russia of Vladimir Putin”, are regimes that at times enjoyed popular support in accordance with their ability to deliver “good economic performance and public service provision”.<sup>46</sup>

Homing in on President Fujimori's rule over Peru, Kurt Weyland argues that authoritarian states can, on occasion, win the rational backing of a large number of their citizens through providing material benefits in the form of economic growth, public services, and additional benefits.<sup>47</sup> Such benefits, in turn, do have statistically significant positive coefficients with government approval: one standard deviation increase in the proportion of respondents perceiving economic prosperity tracks a 7–8% increase to approval ratings. Hence a causal relationship can tentatively be established: at least some citizens' support for their state stems from their valid subjective belief that their governments are effectively upholding their interests through delivering reliably upon key indicators of governance performance.

Citing China as an example, Adam Przeworski observes that “the poor peasants of Chongqing who now live in nicely kept city apartments with incomes that have doubled every five years do not need to be informed that they are better off”.<sup>48</sup> Many amongst these citizens know what is *going on* with their quality of life, and the performance of their state apparatus is why they opt to support the incumbent regime. A survey conducted by Lily Tsai, Minh Trinh, and Shiyao Liu finds that anti-corruption punishment bolsters governmental popularity in China, signalling the “moral commitments” of the ruling regime to public interest; especially in the face of economic downturns, leaders in MDAS must deliver clear improvements along at least some dimensions of governance (e.g. anti-graft and transparency), so as to ameliorate oppositional pressures and mass discontent.<sup>49</sup>

### Intentional Citizenship and Subjective Authorisation

A fundamental objection to the SAA is that it appears to overlap significantly with Pasternak's intentional citizenship-centric account. Would it not be the case that most citizens who subjectively authorise their state are also thereby intentional participants? If so, to what extent do we still need the SAA as an explanation?

To this concern, I have three responses. The first aims to show that the SAA and Pasternak's approach diverge over a critical subset of individual agents. The second is that the SAA uniquely avoids running into a key issue afflicting Pasternak's account. The third holds that even if the SAA and Pasternak's account do overlap in terms of the subset of responsible agents, the explanations they provide are qualitatively distinct. Given all three reasons, we can conclude that the SAA remains a valuable theoretical contribution.

Firstly, recall the subset of *non-participating endorsers* discussed in Chapter 4 – these are individuals who view their state as legitimate, credible, and valuable in upholding their interests, yet do not partake in any activities that could be considered positive contributions towards the state. To be clear, these non-participating endorsers are not involved with any substantive state activities (via, e.g. paying taxes, chanting pro-government slogans, or even attending public schools). Save from communicating to their close relatives and friends their endorsement of their state, these endorsers either do not make any material contribution to their state's continued operations or make trivially insignificant contributions that are disproportionate to their fervent mental states.

Uniquely, the SAA can explain why these individuals should still be held liable, albeit not morally responsible, for redressing the state's injustices. Consider an Iranian citizen who only mentally endorses his state, views it as a credible interpreter and upholder of his rights, and yet does not pay taxes, engage in public services, or do anything to strengthen the regime's grip on power. He nevertheless remains mentally tethered to his state, in treating the latter's theocratic and radically orthodox policies, including the oppression and subjugation of minorities, as representative of his own interests. That there is no active participation on his part does not preclude him from subjectively authorising – and hence acquiring responsibilities through – his state; this is because through his attitudes of identification, he has come to embrace the connection between himself and his state – including its moral legacy and the ensuing responsibilities.

Secondly, as highlighted by Pauer-Studer and our discussion in Chapter 4, identifying the proper *action description* of the exact project in which citizens are purportedly co-participants is often difficult, particularly when individuals engaging in purportedly complicit acts harbour intentions that may not necessarily be easily classifiable, per Pasternak's account.

Consider a housewife under the Tatmadaw-controlled Myanmar, who purchases drugs at a pharmacy owned by the military. She is vaguely aware that the pharmacy is controlled by the junta but has limited understanding as to where the revenue is funnelled towards, for example, arms purchases used to squash the country's pro-democracy opposition.<sup>50</sup> Is the mother thus *complicit* in the atrocities of

the military, or merely trying to secure medicines for her children? The description of her intentions is contingently *vague*. How about a teacher in an army-run school obliquely teaching his students about human rights and civil liberties through creatively interpreting government-endorsed materials? Or a farmer selling his agricultural produce at a government-run market, so as to make ends meet? Where the line demarcating individuals possessing participatory intentions in relation to the state should be drawn is not always clear.

Across these cases, complicity-based accounts run into a bind. Indeed, either the particular interpretation of *participation* errs on the side of holding more individuals liable yet thus ends up overreaching and is hence less plausible. Suppose we take intentional usage of government-run markets as amounting to participation in the state, then individuals engaging in mundane actions such as drug purchasing, street-cleaning, or playing music in public spaces could well be trivially deemed *co-participants* in the state. This seems far too harsh: they do not seem to be at all aligned with the state in intentionally bringing about these specific *injustices*, even if they are loosely aware that their actions are contributing towards a state that is capable of perpetrating injustices.

Alternatively, we may opt for a highly stringent interpretation narrowly construing the activity scope of participatory intentions, which undermines the ability of Pasternak's account in uniquely identifying individuals who are not already held liable on alternate grounds of direct contribution towards, benefiting from, or indirectly causing injustices. Suppose we take involvement in the actual decision-making process for a particular injustice (e.g. a Russian factory manufacturing ammunition to be used by the army in Ukraine) to be contextually necessary for *participation in the state* – then, here, it is unclear how different the account is in its prescriptions from accounts of moral culpability anchored in intentional causal contribution. Finding the perfect equilibrium for marginal cases can be tricky.

The SAA circumvents this conundrum. It does not require an independently ascribed *action description* – instead, it defers to endorsement as the basis for authorisation. No *participatory connection* between the state and the citizen is required – merely a robust and meaningful *mental connection*, which is credibly expressed. Substantively supportive actions may be one category – amongst several – of signs of the existence of subjective authorisation. If the mother, the teacher, or the farmer truly supports the military junta, they should be deemed responsible qua subjective authorisers; otherwise, their mere participation alone is insufficient a condition or ground for taking up a portion of their state's reparative burden.

Indeed, even if the SAA and Pasternak's accounts do, in fact, overlap in terms of sets of individuals, this does not strike me as an inherent issue. The SAA enriches our understanding of what is at stake by providing a distinct reason for which agents ought to be held responsible. Perhaps many intentional participants in the state are also subjective authorisers; the converse, however, may not hold true. In any case, having a more complete understanding of why they should be held responsible for repairing state injustices is inherently valuable.

**Further Parameters**

There exist two further parameters in relation to the SAA.

First, the *exact identities* of agents authorised by the citizen do matter in determining the *scope of state actions* for which the citizen must bear responsibility. Recognise that states come with many parts – with individual bureaus, departments, and policy domains, but also with different levels of government, straddling the local, municipal, provincial, to national. Citizens may subjectively authorise particular officials or organs of the state, without authorising the state (at least, in the subjective variant of authorisation). This should be reflected in commensurate adjustment to the scope of state acts for which we assign reparative responsibilities to the individuals in question. Term this the *identity consideration*.

Second, the *exact quality of motivation* for subjective authorisation matters. Certain citizens may subjectively authorise their state, on the grounds that they view the state as upholding the general good for the society at large, and that the benefits brought about by the state outweigh the harms (including the highly perverse injustices dealt to minorities). Even if it turns out that such attitudes and judgments are empirically misinformed, the citizens here are – *ceteris paribus* – less responsible for the actions committed by the state, than those who actively authorise their state because of the injustices in question (e.g. consider a Bamar nationalist, whose predominant motivation for supporting the Tatmadaw is that it is “ridding Myanmar of Rohingya people”). The extent to which individuals intend for their state to do what they subjectively construe as *good* or *bad* should matter in terms of determining *how significant* the burden of responsibility assigned to them ought to be.<sup>51</sup> Term this the *motivation consideration*.

**Evaluation in Relation to Desiderata**

Let us now evaluate the SAA against the three desiderata set out previously.

***Desideratum 1***

Does the SAA minimise overshooting and undershooting? The first objection we surveyed above pertains specifically to the worry that subjective mental states are not a sufficient basis upon which reparative responsibility should be assigned. A related concern is this – an individual may hold general affirmative mental states and beliefs about their state, as well as viewing their state as a credible upholder and enforcer of their interests in particular domains of policymaking but vehemently oppose their state on certain decisions within these policy domains – for example, those culminating in injustices. The citizen may be perfectly informed, non-coerced, and non-manipulated in developing his affirmative endorsement of the state – but it is evident that he does not concur with the acts conducted by his state. In holding him responsible for state actions with which he disagrees, could the SAA be going too far?

I do not believe so. This is because, as with the OAA, the intuition grounding SAA is not purely *voluntarist* – that is, it is not the case that individuals only

develop reparative responsibilities over an injustice if they actively endorse the injustice; nor is it the case that they can “escape” responsibilities by merely refusing to endorse the injustice. The objective of an authorisation-centric account is to justify – with good reason – the assignment of reparative responsibilities to individuals who do not necessarily will for specific injustices, yet, in virtue of their distinctive connection to the state, accrue ensuing duties to *take up the slack* left to them by their government and official actors over such injustices. It does not matter that the citizen does not affirm the specific decision: so long as they are involved in generally authorising their state, they must accept the ensuing normative burdens and implications on their actions.

Opposition activists protesting their state’s decision to wage a particular war may vehemently oppose their government’s specific decision; yet in viewing the state as *their* enforcer of interests and rights within a particular policy domain, this thus commits them to bearing partial reparative responsibilities for all decisions – whether they be aligned or non-aligned with the activists’ preferences – within the said domain, per the SAA. Of course, these activists can also opt to completely withdraw their authorisation, by expressing that they do not at all accept their states’ authority on the relevant matters – in this case, they could well be relieved from responsibilities for the *subsequent* injustices perpetrated by the state; yet this does not obviate the need for them to redress their state’s *prior injustices* that they had, in fact, authorised in the past. The SAA hence does not overshoot, by accommodating mechanisms through which individuals can cease to authorise their state.

### *Desideratum 2*

To what extent is the SAA explanatorily precise? Whilst the above has provided ample justification concerning why the SAA is not only argumentatively valid but also logically distinct from its closest counterparts in Pasternak’s Intentional Citizenship Account, a further question concerns whether the SAA permits the right kinds of *limits* to responsibility.

Suppose I, as a Russian citizen residing in St. Petersburg, subjectively endorse my *municipal* government as a credible and consistent upholder of my interests in the domains of infrastructure construction, industrial and agricultural policies, and economic decisions. Suppose further that I harbour a clear sense of pride in relation to my home city. The above would suffice in justifying my developing authorisation-based responsibilities for the actions of the St. Petersburg government.

Yet if I vehemently resist the thought that I am authorising the federal government, on grounds that I see it as an illegitimate political authority that is violating my rights, I should not be seen as having subjectively authorised it. Is this perhaps too implausible a position? One may complain that this gives rise to undue atomisation and splintering in how we are to conceive of authorisation.

I disagree. This restriction makes sense if we are to focus on the specific rationale for the SAA: individuals’ attitudes and mental states do matter in defining

their relationships with their governments, across different levels of specificity. The exact identity of the government matters. Individuals cannot opt out of *objective authorisation* via changing simply their attitudes towards their state, but they can opt out of *subjective authorisation* accordingly.

### *Desideratum 3*

The final desideratum is where the SAA seemingly struggles the most. How explanatorily powerful is the SAA, given the Genuineness Condition, when applied to real-life cases? The worry is that for vast swathes of authoritarian states in the real world, one or more of the defects highlighted under the condition will emerge. That is, purportedly, authorising citizens are manipulated, deceived, or coerced into seeing their state as a credible agent that is acting on their behalf. Indeed, sentiments of pride and shame, as discussed by Jessica Chen Weiss in the context of nationalist mass demonstrations and action,<sup>52</sup> can be engineered through state action and policies that selectively amplify pro-regime voices whilst curating excessively zealous nationalist discourses. How genuine could the connections between authoritarian subjects and their state be, given the deeply expansive and capacious influences of the government?

The implication of this challenge is that we may be looking at a relatively limited subset of subjective authorisers, who are unable to – on their own – take on the required actions to truly redress the injustices committed by their state. If true, this would kneecap the SAA's ability to deliver upon *Adequate Resolution* – the first of the two sub-criteria.

In response, firstly, the data provided above goes to show that for many citizens residing under MDAS, there may, in fact, be a sizeable portion of genuine subjective authorisers. As Keyu Jin observes in *The New China Playbook*, “Chinese citizens expect the government to take on large roles in social and economic issues and do not see interventions as infringements on liberty”, and “the Chinese constantly try to balance obligation and deference with free will”.<sup>53</sup> In practice, the preference for material provision and economic development over political and civil liberties in select authoritarian states is less uncommon than we may be led to believe by triumphalist declarations extolling the virtues of political democracy and open, unfettered elections.

We should not presume that all who reside in all authoritarian states are thereby manipulated, brainwashed, and deprived of the ability to choose. Not all authoritarian states are alike. Political participation in formal electoral institutions (*qua* democracies) is not a necessary condition for individuals to cultivate the right kinds of mindsets as to be subjective authorisers. That is, individuals can be uncoerced, be unmanipulated, and have access to adequate information to make informed decisions concerning identification and uptake in relation to their regime, even if their regime is non-democratic.

Secondly, we need not adopt an all-or-nothing approach to the assignment of responsibility. The *more* manipulated, coerced, or deceived an agent is, the more it is that he is exempted from responsibility *qua* subjective authorisation. A village

farmer with considerably less access to external informational sources can be reasonably estimated to possess less complete information about the outside world than, say, a senior banker in the private sector in an authoritarian state. In practice, we may wish to devise a set of heuristics that would allow for the reasonable approximation of mass attitudes and sentiments towards their state.

It is possible for us to stipulate a more minimal threshold of autonomy, above which reparative responsibilities and hence liabilities can and should be meaningfully assigned to individuals. A graduated approach is wholly compatible with the view that so long as the agent is somewhat genuine in his endorsement – that is, it is not the case that he is so severely coerced, deceived, and manipulated that his genuine intentions are not at all reflected by his apparent first-order preferences – he should bear a portion of reparative responsibilities.

Whilst identifying autonomous subjective authorisers is by no means straightforward, we can turn to two clarifying heuristics. The first is to identify groups with distinctively high degrees of interest convergence with the state (e.g. the wealthy power elite endowed by the state, resource-rich rent-seekers, and members of the upper-middle classes who may work in tandem with state-supported and -backed structures and initiatives), or with ideological resonance and conformity with the state (e.g. they share the comprehensive doctrines and beliefs espoused by the state). The second is to look at the behaviours of these actors subsequent to the end of or transition out of authoritarian rule. Consider, for instance, diehard apologists of Soviet rule in modern Russia, or individuals who reminisce about the Apartheid rule in South Africa. These are individuals who clearly have persisted in their support for their previous authoritarian regimes despite having been granted (numerous, generous) opportunities to reflect upon their previous support. It would thus be reasonable to assign to them corresponding reparative responsibilities.

### **Interactions Between the OAA and SAA**

We are now in the position to explore concisely the interactions between both the OAA and the SAA. Even if the resultant prescriptions yielded by these two accounts are largely the same (as we shall see in Chapter 8), it is vital that we track the different justifications feeding into these prescriptions, so as to enhance our understanding of the ethical stakes at hand.

There are four possible scenarios to consider.

#### ***Positive Convergence***

If C, on both subjective and objective grounds, does, in fact, authorise his state in relation to the domain D in which the injustice-causing policy P is pursued, this could be said to be a case of *positive convergence*. Therefore, C is responsible on both fronts for redressing the effects of P and must act accordingly. That C is an authorising agent on both counts renders C, *ceteris paribus*, responsible for *doing more* than a counterpart who is only responsible on grounds of either objective or subjective authorisation.

Of course, the extent to which C is responsible for redressing the effects of P will vary across the two accounts. C may be highly subjective authorising (in virtue of C's ardent, genuine, and unreserved endorsement of the state S), whilst only marginally objective authorising (in that C lacks access to many of the presumptive benefits that he should be entitled to, on grounds of his state of impoverishment and deprivation under S). Alternatively, C may be a significant objective authoriser (in virtue of C's having access to significant decision-making capabilities), yet a reticent and limited subjective authoriser (on grounds that C does not, across most domains, view S as a credible agent acting on C's behalf).

### *Negative Convergence*

If C, on both subjective and objective grounds, does not authorise his state over domain D in which the injustice-causing policy P falls, this could be said to be a case of negative convergence. C is hence not an authorising agent of S's perpetrating of the injustice and cannot be held responsible on the basis of authorisation. This is not to say, however, that there are no other non-authorisation-related reasons for C to be held responsible for remedying or repairing the injustices caused by P.

Let us now turn to the two "divergent cases" – where the two accounts come apart.

### *Objective Authorisation Without Subjective Authorisation*

The first divergent case features instances where C meets the criteria for objective authorisation, but not subjective authorisation. For instance, C harbours extremely strong sentiments of antipathy towards their state. C has repeatedly and publicly declared that S is an illegitimate and unlawful state that cannot represent him. Yet C remains involved in S's decision-making process and is a clear recipient of presumptive benefits, without having his core private freedoms violated by S.

It is evident that C remains an authoriser and hence responsible for redressing the effects of the state's unjust actions. The absence of subjective authorisation is not – in and of itself – a sufficient condition for overriding objective authorisation. However, there may be particular reasons for which C exhibits antipathy and deeply rooted scepticism towards the state – for example, the state's inability to provide for genuine stability and psychological security, or its gross neglect of its citizens' core economic interests – that would eventually spill over into negating C's ability to meaningfully influence the state, thereby rendering C no longer an objective authoriser. Yet these reasons are contingent, as opposed to necessary grounds for negation.

### *Subjective Authorisation Without Objective Authorisation*

The second divergent case features instances where C subjectively authorises S in P, without being an objective authoriser – that is, it is not the case that (1) C receives a sufficient range and volume of presumptive benefits from S, (2) C does not suffer

from the violation of any of C's core private freedoms under S, (3) S's discretion over the policy domain containing P can be explained invoking (1) or (2), *and* (4) C can meaningfully influence S's decision-making in relation to at least the particular policy domain D.

Given this, some may intuit that these individuals' subjective endorsement of their state, even if in satisfaction of all four conditions outlined earlier, may be the result of defective reasoning. Suppose (1) or (2) is not met – is it not irrational for individuals to see a state as upholding their interests, when it is failing to provide for a significant berth of benefits that may prove essential to a decent quality of life? Alternatively, suppose the citizen cannot make any meaningful impact on their government's decisions vis-à-vis them (contra 4) – is that not something that fundamentally deprives them of their agency and autonomy qua citizens? If there is no reasonable way of construing the state's discretionary rights as aligned with the private freedoms and presumptive benefits of the individual citizen (contra 3), should we not hold the citizens' endorsement of their state as foundationally irrational?

Yet it is not the observer's prerogative to arbitrarily decide if the individual citizen in fact has "legitimate" or "sound" reasons to view their state as acting on their behalf – beyond the key threshold of ensuring that there is no overt deception, manipulation, or coercion. It would be improperly paternalistic and hence disrespectful, as per the excellent work of Jonathan Quong, to presuppose that individuals can only credibly subjectively authorise states that conform with particular "standards" of ideal governance.<sup>54</sup>

Indeed, whilst citizens under some authoritarian states may favour a more pro-socioeconomic development agenda and hence pay less heed to the possible deprivation of political and civil liberties, others could well place a higher premium on the ability to partake in state decision-making processes. The former may find themselves more amenable to the distinctive political arrangements in MDAS than the latter. Such priors and weights are likely to vary from culture to culture, and individual to individual.

## Recap

As presented in the previous two chapters, the OAA and SAA are mutually reinforcing when it comes to identifying cases of authorisation or non-authorisation giving rise to reparative responsibilities. They could also come apart in other cases. As a combination of the two prongs, the CAM offers a promising, exciting alternative to both existing direct and indirect distribution approaches to reparative justice in authoritarian states. It does not supplant these other accounts – but enriches and sheds light on this very subject matter.

## Notes

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## **Part IV**

# **The Way Forward**



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## 8 Praxis

Elizaveta Glinka (“Dr Liza”) was born in Moscow in February 1962. Upon completing her studies at the Russian National Research Medical Institute, she spent a decade in the United States, where she learnt the ropes of undertaking palliative care and hospice management.<sup>1</sup> After returning to Russia, she shuttled to and from Moscow and Kyiv in Ukraine, pioneering humanitarian projects, including the first public hospice in the latter. She established the Fair Care Foundation in 2007, taking on the mantle of serving the homeless, terminally ill, and children suffering from the horrors of war.<sup>2</sup> The foundation distributed medical supplies amongst hospitals and medical workers in the affected regions, though it was kneecapped by both the military conflict and ensuing disruptions to supply chains.

Dr. Liza was also widely known for her ties to and complex intertwinement with the Russian state apparatus, having been included in photographs with Russia’s very president, Vladimir Putin. When pressed for her thoughts on the international response to the Russian actions in 2014, she noted that “there is a civil war going on, and the Red Cross has recognised this”,<sup>3</sup> refraining from taking an explicit, unambiguous stance on her state’s annexation of Ukraine. Dr. Liza served on the Russian Presidential Council for Civil Society Institutions and Human Rights (HRC) and received the Order of Friendship award in 2012 and the State Prize of the Russian Federation from the president in 2016, only weeks before she embarked upon a fateful trip to Syria.

On her way to Latakia, Dr. Liza died in a plane crash.

In *Between Two Fires: Truth, Ambition, and Compromise in Putin’s Russia*, Joshua Yaffa delves into the moral dilemmas confronting a very special group of individuals in contemporary Russia, including Dr. Liza. These individuals find themselves navigating the complex moral quagmire lying between unequivocal capitulation and fundamental opposition to the state. Many of them act in ways that do not appear to be wholly self-serving: at the very least, they would cater to the interests of one or more amongst vulnerable, needy, and disadvantaged groups of individuals. On the other hand, they also appear to be complicit to varying degrees in the injustices perpetrated by their authoritarian state. These purportedly “bad” and “good” actions do not cancel out – they are fundamentally intertwined, insofar as the “bad” comes inherently with the “good”. It was her political standing within the authoritarian Russian hierarchy – and her ensuing complicity – that granted Dr.

Liza access to substantial state resources and capacity to evacuate the ill and debilitated from zones of conflict and war between the Russian state and its neighbours.

Had it not been for Dr. Liza's openness to pragmatically working within the Russian state system, she would likely have struggled to access even a portion of the resources, capital, and political access that she was granted. On the other hand, her standing as a leading humanitarian icon – one with seeming political neutrality – rendered her a highly attractive target for co-optation by the authoritarian state, and her words a source of legitimation for the powers that be. The humanitarian and the complicit, establishment-supporting public figure dimensions of Dr. Liza are two sides of the same coin – thus contributing towards her complex, deeply entangled moral legacy.

How are we to appraise her character and her liability in relation to the injustices perpetrated by the Russian state? Making sense of cases like Dr. Liza can be deeply difficult – for there is no self-evidently correct interpretation of what she ought to have done, or how individuals like her in general ought to behave under comparable circumstances. As discussed in Chapter 2, authoritarian states share certain convergent underlying features that render formal political action and explicit opposition to the state highly difficult – and indeed – to the detriment of those who are seeking to muster and deploy resources *en masse*. There are prudential – and even normatively insistent – reasons for us to welcome individuals who can work creatively and constructively within set parameters in advancing reparative justice.

Yet should the seeming necessity and instrumentality of compromise with and support for the state thereby imply that anything goes when it comes to actions in authoritarian states, especially when it comes to acts reifying the government's grip on power and ability to potentially carry out actions with nefarious impacts? This is a question that we shall return to shortly – though as the case of Dr. Liza reveals, the answers are anything but clean-cut.

### **What Kinds of Responsibilities?**

In Part III, we have established that state-authorising agents, per either the subjective or the objective prongs of the CAM, are responsible for redressing the effects of state-perpetrated injustices. Any sound theory of RJAS must be able to tell us what exactly should be done by real-life actors to adequately address the residual injustices persisting in authoritarian states (per *Desideratum 3*).

A key question is hence: what kind of responsibilities are we speaking of here? Are such responsibilities embedded with an element of blame, such that individuals are blameworthy if they fail to take up their responsibilities, or are they blame-less and primarily forward-looking in nature, much as the vision of political responsibility discussed by theorists such as Iris Marion Young and Maeve McKeown?

Alternatively, could these responsibilities be primarily *task responsibilities*, as set out by Robert Goodin in his account of responsibilities that individuals accrue to undertake important tasks, yet for which no one is blameworthy even should they fail to do so?

### *The Case for Criticism*

To answer this question fully, consider the following: authorising citizens come to acquire *forward-looking responsibilities* to redress the injustices committed by their state, so long as such responsibilities do not impose undue costs, or require infeasible actions, that these authorising citizens should not be expected to bear. Authorisation does not give rise to blame *per se* – authorising agents are responsible, but not blameworthy, for authorising the unjust state acts. They must correspondingly bear the liabilities to redress the effects of such acts.

A further nomenclatural clarification is needed. Recall from Chapter 3 that per Peter Strawson's responsibility argument,<sup>4</sup> individuals can be excused or exempted from moral responsibility for their actions. Exempted agents refer to those who are significantly impaired in relation to interpersonal interactions – for example, they are “wholly lacking . . . in moral sense” or suffer from “peculiarly unfortunate . . . formative circumstances”.<sup>5</sup> These are individuals who wholly lack the capacity to improve their behaviour, due to inherent defects in their action-guiding judgements. Excused agents, on the other hand, are agents who possess neither the intention nor the understanding of the act in question, in carrying out the act. Individuals who are neither excused nor exempted for the harmful actions they commit are tentatively liable for redressing the effects of their actions.

In response to the view that we are not taking the reparative responsibilities of authorising agents seriously, I would thus draw upon Young's conception of criticisability in positing the following<sup>6</sup>: individuals may be *criticised* for their actions if they contribute towards, or fail to rectify, structural injustices. If citizens fail to discharge their reparative responsibilities, and if such failure is neither excusable nor exempted, citizens should be deemed *criticisable* for their deliberate failure to take up their forward-looking responsibilities. Criticism does not come with blame – it neither embodies nor stems from the reactive attitudes identified by Strawson in instances of moral responsibility.

Yet unlike Young's SCM, the CAM can *accommodate* accounts that possess a blame-centric view of responsibility; it does not advocate that we should jettison all apportionment of moral responsibility, on grounds unrelated to authorisation. An intentionally murderous rank-and-file soldier cannot appeal to the fact that he is but a mere cog in the machine, inherently entangled in injustice, to escape the judgement of moral responsibility. Across both authorisation-centric and moral responsibilities, agents may have to answer for their failure to discharge the specific demands made of them; however, only in the latter case should they be held morally blameworthy for their failure.

Criticisability can, of course, be critiqued for its perceived lack of “teeth”. After all, nepotistic politicians are regularly *criticised* over their promotion of cronies, yet this has not thereby rendered them more pliant and committed to transparency and accountability in their personnel decisions. Critics of Young's SCM, such as Jeffrey Reiman and Martha Nussbaum, have suggested that criticism alone is insufficient in incentivising due compliance (thus lacking *practical efficacy*), or in reflecting the moral stakes involved when actors intentionally ignore their

forward-looking responsibilities (hence lacking *explanatory precision*).<sup>7</sup> What is needed here, they say, is an account that deems blameworthy those who repeatedly fail to discharge their forward-looking responsibilities. This objection seems to be applicable to the CAM, too.

To this worry, I offer a two-part rejoinder. Firstly, we should recall the practical benefits of shifting away from blame and blame-centric rhetoric – namely, avoiding the invidious, often (perceived to be highly) personal, and vitriolic connotations of blameful rhetoric – which renders the pursuit of pragmatic reparative justice for victims politically difficult. Intuitively, individuals may feel far more defensive when accused of having done something wrong – for which they are blameworthy – as opposed to being asked to take on additional forward-looking responsibilities, even if such responsibilities are traceable to past wrongdoings by others. The cognitive distancing between *them* and *others*, hence, ameliorates the reactive resentment that responsible agents may feel.

The threshold needed for an individual to be *bona fide blameworthy* for an action is rather high – in terms of not only the subjective states-of-mind and intentions of the individual but also the particular nature of the action in question. For instance, I would clearly be blameworthy for intentionally murdering someone – yet one could cast reasonable doubt over whether *blame* is the appropriate reactive attitude to invoke, in cases where I commit a fundamentally less weighty moral error. Suppose I intentionally decide to burn three eggs and waste them in my preparation for a banquet: I am clearly *criticisable* for my recklessness and flippant treatment of the eggs, but I am not necessarily *blameworthy* for the act. To invoke blame in the egg context would appear to be a category mistake – just as holding authorising agents blameworthy would be.

Secondly, as a more constructive move, we can *shore up* the practical weightiness of *criticism*. If an agent is criticisable over his actions, this should entail that it is reasonable for third parties to provide positive incentives, apply social and discursive pressures, and impose penalties upon him, to prompt him to do the right thing. Yet the imposition of such costs and benefits does not thereby amount to justifying reactive attitudes of resentment – the criticisable agent is not resentable over his failure to meet these expectations; nor should such failure open up the responsible agent to excessively demanding penalties – for example, a criminal sentence or hefty fines.

Contrast three different citizens, A, B, and C, who are reparatively responsible in virtue of their authorisation of their state's perpetration of injustices.

Suppose: (1) A is aware that he is an authoriser of his state, whereas B is not; (2) A intends to *not* take up his reparative responsibility, for he believes firmly there is nothing wrong with the injustices committed by the state; C does *not* intend to take up his reparative responsibility, for he subjectively believes that doing so would compromise significant ground projects and thus his integrity in relation to those around him, as well as himself. *Ceteris paribus*, it would be reasonable to deem A as liable to *more punitive costs* imposed by others than B and C, even whilst all three do not, trivially, discharge their reparative responsibilities. This is because A is far more aware of his relationship with his state than B, and A does not – unlike C – possess compelling countervailing reasons to not take up the relevant responsibilities.

## The Triptych Theory of Reparative Responsibilities

Here, a critic may ask: what can citizens living in authoritarian states realistically do, to ameliorate the persisting injustices occurring under their regimes' watch? Indeed, even the most promising amongst the sparse existing literature concerning responsibilities for authoritarian state-perpetrated injustices would often opt to focus on the "international actors' design of their response to rogue states", as Avia Pasternak highlights in her excellent proposals concerning how international legal institutions and norms ought to be transformed for the better.<sup>8</sup> Few accounts, if any, discuss the upshots for individual citizens.

Whilst such trenchant scepticism is understandable, they are also somewhat reductionist. In the following sub-section, I shall delineate three clear, understandable categories of actions that authorising citizens can undertake to discharge their authorisation-rooted responsibilities over the effects of their states' unjust actions. As I outlined in my *trptych theory of reparative responsibilities* in my book *Moral Debt*,<sup>9</sup> reparative justice comprises three primary prongs, namely (a) *compensatory* responsibilities towards victims and their significant others for the injustices perpetrated (particularly applicable to cases where there exist clear victims); (b) responsibilities to *neutralise* present and prevent future injustices, and (c) responsibilities to *commemorate* and *apologise* over such historical injustices. In that same book, I discuss why these particular responsibilities are emphatic and vital components of the settling of moral debt. Here, I shall focus on outlining their empirical application to authoritarian cases.

These three first-order responsibilities in turn give rise to second-order duties of *reform* to social structures – duties on the part of citizens, where feasible, to advance their occurrence on a more systemic level, for example, lobbying for the government to undertake compensation, raising funds and resources for commemoration, and driving forward institutional and political changes to neutralise the everyday occurrences of injustices. Whilst specifying these reforms' contents and normative justifications would be beyond this book's scope, we should bear in mind that the triptych thus has both first-order and second-order implications. The latter behove a willingness to commit to challenging existing feasibility constraints and transforming institutional structures in the *status quo*.<sup>10</sup>

### Compensation

The first category comprises compensatory responsibilities, both *direct* (towards the victims<sup>11</sup> experiencing state-perpetrated injustices) and *indirect* (towards the descendants or presumed heirs to the property of the victims, in certain cases<sup>12</sup>).

#### Direct Compensation

Responsible citizens can redress injustices through identifying and providing active support and aid to said victims, in a way that would enable *restoring* them to the state of well-being they would have experienced had it not been for the initial injustices. Compensation can occur in a plurality of forms – whether it is through

restituting directly to victims the property they had originally possessed and made use of (material, object-based compensation), or providing monetary and financial compensation that substitutes for or approximates the value of the original loss.<sup>13</sup>

The appropriateness of the form of compensation will depend on a basket of contingent factors, including the marginal effect on the victim's welfare, the extent to which the effects of the injustice can be completely undone, as well as the feasibility and costliness of attempts at reparation. As such, the former may be more appropriate in cases where victims have items of critical personal significance taken from them without their consent, and where no volume of monetary compensation could make up for the lost items (e.g. a family heirloom, a plot of land or house to which the family places great emotional value and attachment). The latter, on the other hand, may be more applicable to cases where the losses are somewhat fungible with money or other units of resources.

In instances where the authoritarian state is vehemently opposed to taking up compensatory duties, and denies its responsibility through propaganda and informational manipulation, it may prove to be logistically infeasible and politically, if not socially, costly for individuals to be upfront in openly declaring the motivations and grounds for their compensatory gestures. Indeed, certain authoritarian states seek to whitewash and erase evidence of their present injustices through *gaslighting* their populations.<sup>14</sup> For individuals to openly declare they are seeking to redress state injustices could be personally risky. This is why compensation under authoritarian conditions does not require an actively communicative component – so long as the victim is, in fact, rendered better-off by the compensatory act, and such compensation is intentionally carried out, we could conclude that compensation has indeed taken place. The compensation of victims does not have to occur with an explicit acknowledgement of the wrongdoing and injustice having occurred – though the provision of such acknowledgement could certainly amplify the value of the compensatory act.

### *Indirect Compensation*

What of compensation in cases where the original victims are no longer alive? Should we still grant that the duties to compensate hold, or shall we do away with the thought altogether? After all, one of the core intuitions undergirding Jeremy Waldron's thesis of the supersession of injustice is that perpetrators and victims of historical injustices are long deceased at present – and it would be futile to draw links between past wrongdoings and the present state of distribution.<sup>15</sup>

Whilst it is beyond this book's scope to explore at length existing debates concerning the case for present generations addressing injustices perpetrated by past generations who are no longer alive, I have argued elsewhere that both descendants of and likely heirs to the property owned by the initial victims possess a *pro tanto* claim to some compensation, albeit not necessarily over the initial injustice per se.<sup>16</sup> The *de facto* owners of unjustly acquired property have a duty to disgorge their holdings, with at least a portion of these being restored to the hands of individuals who would likely have inherited the said property, *qua* heirs (including

descendants, but also significant others and trusted confidantes) of the original victims.<sup>17</sup> As advocated by Daniel Butt and George Sher, descendants of victims are harmed – separately – by the denial of compensation to their ancestors, who would likely (albeit not necessarily) have passed the compensation onto their subsequent generations.<sup>18</sup> Such responsibilities do not necessarily amount to compensation in the strictest sense of the term, in that the original victims are no longer present. Yet they remain significant and compelling.

Similarly, that the original perpetrators of injustices (e.g. military generals and leaders) are no longer alive is not a sound reason for the obviation and neglect of these claims to compensation by victims, and their descendants and heirs. Such *indirect compensation* by citizens authorising their state may be justified and indeed binding – in a non-blame-centric sense – on the grounds that their will was evidently implicated in the perpetration of these original injustices. That Ferdinand Marcos is no longer alive does not imply that those who authorised his and his regime’s atrocities can thereby be excused and exempted in full, with no responsibility for the injustices perpetrated in their name.

Indeed, such claims of compensatory responsibilities may be further strengthened through drawing inspiration from Daniel Butt’s nation-based account of “overlapping generations”, whereby newer generations born to the same nation are induced into the same moral fabric and ledger of compensation, in virtue of their sharing the same nation as previous generations who had committed gross atrocities.<sup>19</sup> Per the CAM, such induction can be explained through *state authorisation* – in authorising their state subjectively or objectively, citizens are thereby enrolled into taking up portions of their state’s responsibilities for wrongdoings. Whilst citizens cannot be said to authorise the initial injustices committed before their moment or period of authorisation (for this would contravene the very ethos of authorisation), they can be held responsible for authorising their state’s *continued failure* to make the necessary compensatory moves towards victims and their significant others.

### *Praxis of Compensation*

Twenty-seven years after Marcos’ ousting in the “People Power” revolution, Filipino Senator Francis Escudero sponsored a bill in favour of monetary and non-monetary compensation directed towards victims of Marcos’ reign. The bill was subsequently signed into effect by then-President Benigno Aquino in 2013, granting over \$224 million USD of reparations to individuals identified as victims under the Marcos administration.<sup>20</sup> In 2022, the Korean Supreme Court ruled that the state must compensate victims of the investigations and trials under Emergency Measure No. 9, as well as the surviving family members of these victims, introduced under Park Chung-hee.<sup>21</sup>

Whether it be through pressing for reduced economic disenfranchisement, increased access to employment and education opportunities, or improving victims’ legal representation in likely flawed but broadly functional legal systems, morally motivated agents with reparative responsibilities can act more proactively in bringing about overdue – but fundamentally significant – compensation towards the

victims of state atrocities. Political lobbying for compensation is evidently feasible in states that had previously been authoritarian yet have transitioned to democracies – even if flawed ones. Applying feasibility considerations, we could conclude that, at the very least, citizens in authoritarian states possess clear *pro tanto* responsibilities to advocate compensation upon their regimes transitioning out of authoritarianism.

Now, of course, the worry is that compensation remains politically infeasible in enduring authoritarian states that are not and will not be transitioning towards liberal, democratic governance. However, even where direct compensation by the state or state actors remains politically non-viable on grounds that systemic obstacles are too significant, those seeking to compensate victims can still turn towards alternative solutions that approximate compensation, such as targeted poverty alleviation and humanitarian efforts via civil society organisations.

Note, such structural solutions need not involve the government – citizens who are responsible can bypass the executive altogether, in offering compensation using their own resources. Take the ongoing persecution of the Rohingya minority in Myanmar as an example – it is evident that direct pushes for state compensation and even attempts to directly provide Rohingya refugees with material aid by citizens would prove to be incredibly risky. This has much to do with the extensive militarisation and increasing pre-eminence of the military-security apparatus in discussions over Rohingya rights.

Yet such barriers do not preclude certain, wealthier citizens in Myanmar from contributing towards international charities such as Oxfam, as a means of providing humanitarian assistance through an indirect yet viable conduit.<sup>22</sup> The key to successful compensation rests with creative flexibility and strategising about the best means of compensation through optimising the existing optionality sets.

### *Where Compensation Seems Impossible*

A concern pertains to the conceptual possibility of compensating for injustices that do not seem intuitively ameliorable in posterity. Consider heinous state crimes of murder, rape, and grievous bodily harm in ways that leave permanent defects in their victims. These are not violations and detrimental welfare changes that can be offset through monetary or financial compensation alone.

However, even if *total* compensation (i.e. rendering the victim's wellbeing equal to what it would be if not for the initial injustice) is impossible, there remains a potent case in favour of individuals *approximating* the state-of-affairs where the victims of injustices are indeed fully compensated. Reparative agents should still strive to *improve the wellbeing* of victims with the *intention of compensating them* in relation to the prior injustices. Adam Slavny has compellingly advocated the distinction between rendering the victim of a past injury *identically off*, and *as well-off* after compensation. The former amounts to a case of negation, whilst the latter is an instance of counterbalancing.

Consider, for instance, an individual whose limited-edition vase (by present market estimates) is stolen from her. The injustice would only be *negated* if she

manages to regain the stolen vase – for the vase has clearly irreplaceable features that are not easily fungible with or reducible into other equivalent-in-monetary-value items. None amongst a precious painting, a delicate chair, or a gold-gilded toilet could exactly replicate the utility and value of the irreplaceable vase. However, suppose the individual is given 10,000GBP; this would be an instance of *counterbalancing* (e.g. she is broadly as well as off as she would have been otherwise, for she could spend the 10,000GBP on any of those equivalent-in-value objects, which would bring her roughly the same amount of utility).

To restore individuals to *exactly* as they would have been had it not been for the injustice is often practically infeasible – damages and losses could be physically irreversible or irrecoverable; yet this does not eliminate the case for the individual to be compensated. Even if it is the case that the individual could never be *the same* as they would have been without the injustice, they could still be made *sufficiently comparable* to the counterfactual under what we can term *approximating compensation*.

### **Opposition**

The second category of responsibilities consists of responsibilities to oppose – to thwart, prevent, or resist – state-perpetrated injustices, both at present and in the future. Such responsibilities should entail a commitment to efficacy – in other words, it is insufficient for agents to profess and claim that they are acting to stymie state-perpetrated injustices; they must also exhibit a clear demonstration of considerations of efficacy and viability, in their attempt to deliver upon genuine reparative justice.

Opposition encapsulates three jointly necessary components: (1) the *recognition* that the injustices are morally unjustifiable; (2) the *intentional commitment* to opposing such injustices, and (3) the *effective pursuit* of actions that could prevent or disrupt the occurrence of ongoing or future injustices.<sup>23</sup>

There indeed exist independent reasons for individuals to seek the opposition of injustices. Yet the proposed CAM argues that authorisation generates an additional, weighty *normative* reason for individuals to take seriously the task of opposing injustices.

### *Praxis of Opposition*

One may argue that opposing state-perpetrated injustices is an incredibly costly process under authoritarian states. Indeed, these prohibitive downsides and associated risks render the authoritarian context so distinctive in the first place. In contrast, the existence of broadly unfettered access to free media and speech, robustness of legislative checks and balances, and the direct role played by mass opinion in governmental decision-making often render opposition to injustices in democracies comparatively straightforward and broadly low-cost. Select authoritarian states, on the other hand, often resort to “military repression of internal dissent, [operation] almost exclusively in isolation from the domestic population” and severing of ties between their domestic and international populations.<sup>24</sup>

Yet there is every reason for us to think that opposition remains feasible – and that many, albeit not all, citizens do possess the relevant agency even in authoritarian states, especially MDAS. For instance, an authorising citizen in an authoritarian state is clearly unable to opt out of paying taxes and abiding by strictly enforced laws; yet he could still devote himself to the cause of stymying government expenditure and spending by opting to contributing less towards the economy – or avoid working in jobs that actively further their state’s capacity and wherewithal to perpetrate injustices – to prevent the state from successfully mobilising its apparatus in persecuting vulnerable minorities and groups.

As Edward Aspinall observes, civil society actors and opposition politicians under Suharto in Indonesia had sought to employ a mixture of superficial and substantive compromise with state actors, disguised resistance drawing upon siphoned-away state resources, and manipulation and lobbying of local bureaucrats and power brokers to curtail the excesses of the state.<sup>25</sup> Non-governmental and legal aid organisations sought to stifle state programmes through offering information counteracting propaganda concerning ethnic minorities, providing legal support to victims of localised corruption, as well as supporting parallel institutions of aid for groups excluded from the state. Towards the mid-1990s, student activists effectively mobilised local populations, culminating in the successful campaigns that precipitated Suharto’s downfall and the end of the “New Order” era. These actions – and the potential public backlash towards the state they symbolised – were in turn vital in mitigating the worst excesses of state incarceration, intimidation, and alienation of opponents to the Suharto regime. In authoritarian states with weaker state repression or governance capacity, the opposition – both within the legislature and at large – is thus granted more leeway to operate.<sup>26</sup>

### *Opposition of Injustice versus Opposition of Regime*

Furthermore, we should note that opposition to the injustices perpetrated by certain elements within the government does not entail opposition to the entire regime or state. In setting forth his crucial theory of *rightful resistance*, Kevin O’Brien highlights that resistance can manifest through a “partly institutionalized form of popular action that employs laws, policies, and other established values to defy power holders who have failed to live up to some ideal”.<sup>27</sup> In contexts with deeply flawed or non-existent democratic institutions, rightful resistance can serve as an effective strategy of pushing back against and challenging localised injustices. In applying the theory to a comprehensive assessment of contentious politics in rural China, O’Brien and co-author Lianjiang Li observe that citizens residing under a bureaucratic-authoritarian government would often invoke official state doctrines, documents, and normative principles as a means of criticising local or provincial officials for their doctrinally non-compliant and improper actions. O’Brien cites a group of villagers in Henan province who were taxed excessively by their local government; these villagers challenged the officials on grounds that the tax policy defied central government protocol and prescriptions on limits on taxes and threatened to appeal to higher echelons of the Chinese bureaucracy in their advocacy.<sup>28</sup>

Rightful resistance can most certainly be observed in a wide range of authoritarian states – especially MDAS, in which the ruling regime possesses reasonable levels of popular support and relatively moderate levels of repression, as well as greater de-centralisation over information provision and access. These are all conditions that facilitate favourable levels of participation in official or semi-official institutions by ordinary citizens – when it comes to tackling and redressing pressing social issues, including the excesses of lower levels of government. Elsewhere, Benedict Kerkvliet observes the presence of rightful resistance in protests over land confiscations in Vietnam – with nearly 1.6 million official complaints from citizens between 2008 and 2011.<sup>29</sup> Lam Minh Chau also infers from a particular case study of a northern Vietnamese village that rural protesters seek to employ an “extremely rightful” form of resistance that features not only “confined actions within officially sanctioned channels”, but also a systemic “underplay[ing of] all oppositional intentions against central and local authorities”.<sup>30</sup>

Across China and Vietnam – both dominant-party authoritarian states – it is not just the party bureaucracy that co-opts its citizenry; at times, the directionality is reversed, as citizens employ tropes, leverage weaknesses and openings, and work strategically with select actors within the bureaucracy to contest decisions made by other actors within the government. Evidently, resistance targetting the upper echelons and core political leadership of authoritarian states is unlikely to be “rightful”. Such a *modus operandi* would be prohibited, even repressed, by the senior leadership of the party. Yet whilst this fact constrains the scope of impact that individuals’ actions could have, it does not altogether eliminate the agency of citizens, especially at the local or even sub-national (e.g. municipal) levels.

Rightful resistance by grassroots activists and citizens is complemented by *institutionalised advocacy* by more politically endowed and involved actors of influence. Maria Repnikova writes of the “fluid collaboration” between the government and journalists in authoritarian states, with journalists undertaking voluntarily “creative alignment with state interests” to drive contestations against existing state policies. Journalists position themselves as aligned with the “objectives and visions for political change” as espoused by the central party-state, thereby giving rise to a collaborative dynamic between “activists and the central state”.<sup>31</sup>

Consider the case of Chinese sociologist, sexologist, and LGBT activist Li Yinhe – a leading researcher into LGBT rights and sexual norms in China, as well as a keen advocate for sexual liberation and partial abolitionism towards stigma and taboo concerning sexual practices such as orgies and prostitution. Throughout her academic career, she repeatedly called upon members of the Chinese National People’s Congress (the official state legislature) and the National Committee of the Chinese People’s Political Consultative Committee to abolish dated criminal laws concerning pornography and group licentiousness, as well as legalising same-sex marriage within the country.<sup>32</sup> Whilst Li’s official petitions received mixed feedback from officials, she served until her retirement as the Director of the Research Office of Family and Sexuality in the state thinktank, the Chinese Academy of Social Sciences – a post that granted her significant leverage and influence as a respected academic within the official system.

Rightful resistance and institutionalised advocacy are not the only *modi operandi* that citizens in authoritarian states can adopt in opposing state injustices. Yet they are perhaps by far less costly and more feasible as compared with alternatives, such as radical, anti-regime contestation and mass mobilisation against the state.

### *Corollary Responsibilities*

What follows from the above *first-order responsibilities* to oppose injustices is the potent and important *second-order responsibilities* of reform, aimed at lowering the costs and feasibility barriers for individuals fighting against state-perpetrated injustices. Acknowledging the moral force of reparative responsibilities requires all agents to act in ways that reduce the difficulties for others to discharge such responsibilities. These responsibilities are unlikely to be discharged unless there are explicit and unambiguous efforts to clear out the hurdles and reduce the costs involved for individuals to take up these responsibilities.

Such responsibilities can also be extended beyond citizens residing in authoritarian states. For one, in the Myanmar and Afghan contexts, overseas diasporic groups' dissemination (via encrypted communication channels) of news and information on the latest state of play in the conflicts is vital in enabling dissidents and opposition activists on the ground to avoid suppression and imprisonment for their anti-regime activities.<sup>33</sup>

Nominally neutral non-state actors in fairly powerful dominant-party authoritarian states such as contemporary Russia (prior to the invasion of Ukraine, in particular), with the significant emphasis upon adherence and fealty to party doctrines and stipulations concerning state enemies, may be compelled to vocally distance themselves from dissidents that have long been shut out of the official political and economic systems.<sup>34</sup> These actors may nevertheless play a sizeable role in covertly delivering information, material supplies, and other forms of aid to these individuals, despite not being able to expressly acknowledge the nature and rationale for their actions. Such assistance could also count as facilitation of opposition.

### *Apology and Commemoration*

The third category of reparative responsibilities pertains to the *apology* over and *commemoration* of the wrongdoings inflicted upon victims. Such responsibilities are especially important in cases of injustices for which compensation is – for a variety of reasons – no longer possible, and where direct opposition to injustice is neither feasible nor reasonably demandable of responsible agents.

### *Apology*

The act of apologising, as Kathleen Gill notes, possesses significant “moral import”.<sup>35</sup> Drawing upon her framework, I have advocated elsewhere that a sound apology in reparative justice requires “(1) an acknowledgement of the wrongness

of the past act, (2) commitment to avoiding the same act in the future, and (3) expression of the appropriate reactive attitudes”.<sup>36</sup>

A valid and complete acknowledgement of the injustice should be grounded in truth, as well as a recognition of the normative fact that the state act in question has failed to comply with basic moral standards. The commitment to avoiding the same act matters – for it would be substantively vacuous and inconsistent to posit that some act in the past was wrong, without thereby accepting the existence of forward-looking reasons for the apologising actor to at least refrain from committing the same in the future. Finally, the apology is an innately expressive exercise – the apologisee should demonstrably exhibit regret over the moral failure involved in the injustice, even if it is not his own failure, *per se*.

When it comes to reparative justice literature, the conventional view of apology holds that it helps ameliorate and rectify the disparities in standing between perpetrators and victims of injustices. Jeffrie Murphy, for instance, argues that “wrongdoers attempt . . . to degrade or insult us; to bring us low; to say, ‘I am on high while you are down there below’”. As such, victims “lose face when done a moral injury . . . but our moral relations provide for a ritual whereby the wrongdoer can symbolically bring himself low . . . in other words, the humbling ritual of apology, the language of which is often that of begging for forgiveness”.<sup>37</sup>

This view helps explain why in cases of clearly identifiable victims of state-perpetrated injustices, authorising agents – *qua* responsible actors – should offer direct and unequivocal apologies on behalf of the state. Admittedly, in apologising for state-perpetrated injustices, authorising agents would thus be carrying out what can be termed *vicarious apologies*.<sup>38</sup> Yet Andrew Cohen notes that when it comes to the functions of apology, “having vicarious elements does not necessarily undermine the reparative reasons offenders hope to provide”.<sup>39</sup>

Citizens who are vicarious apologisees – even if wholly uninvolved in the direct perpetration of the injustice – can still issue meaningful apologies, so long as they acknowledge fully that they are apologising on behalf of their *state*, with whom they share a distinct link of authorisation. Per the CAM, apologies can indeed be “detached”, as manifested through “sympathetic or vicarious or impersonal” conditions – that is, X can apologise to victim Y on behalf of authorised agent Z for a wrong that Z inflicts upon Y, so long as Z is in fact authorised by X. The act of authorisation embeds the will of X in Z, and renders X in part accountable – even in a non-blame-centric fashion – for the choices undertaken by Z.

This also in part addresses the theoretical puzzle that Nick Smith identifies in the phenomenon of “apologies between groups of people – such as political apologies between leaders and victims of past harms”.<sup>40</sup> One way of resolving the existing impasse and confusion over whether individuals can speak effectively on behalf of their collectives is to turn towards authorisation as a necessary pivotal link between the two – individuals can apologise for collective entities they authorise, but these entities cannot expect non-authorising agents to issue apologies on their behalf.

Now, there are instances where such apologies are no longer trivially possible – for the original victims may have already died. Could a case for apology still be made in cases where the intended recipients cease to exist? Noting that

“a wrongdoer’s response to wrongdoing is incomplete if an apology is missing”, Christopher Bennett argues that the moral power of an apology can be identified in its “expressive action”.<sup>41</sup> That is, what renders an apology ultimately morally significant is that it embeds a conscious “marking [of] the situation as important in some distinctive way and attempting to *do justice* to it”. Expressive action crucially enables individuals to scrutinise, reflect upon, and contemplate the significance of past errors – drawing upon pre-existing understandings available in their cultures. In lieu of focusing on victims and the restituting of their standing, then, his account of apology holds that we should focus on how the normative situations of wrongdoers are moulded and reshaped by their apologising over past actions.

When applied to RJAS, an apology could be a powerful means by which authorising citizens of a state aim to mark the past and present injustices perpetrated by the state as normatively salient. Such markings do not give rise to necessary guilt on the part of citizens, as we have established through previous discussions on blame and moral responsibility; however, they certainly give rise to openness to criticism and reflection upon ways in which they can meaningfully remedy the injustices at hand. Even if no victim is around to hear it, a sincere and emphatically delivered apology is conducive to neutralising the innately problematic (though not necessarily wrong) nature of the authorising agents’ relationship with their state-perpetrated injustices.

### *Commemoration*

Beyond apology, we should also recognise a further, distinctive kind of responsibility – of commemoration. Victims are entitled to an accurate and unadulterated version of their life-stories – as well as the abuses and wrongdoings they endured – narrated and recognised by subsequent generations. A firm position on posthumous rights here need not be taken here – we could be ambivalent towards whether dead persons hold any rights,<sup>42</sup> without foregoing the concession that their preferences hold at least a modicum of moral weight and should bind the actions of third parties. For instance, we may hold respecting these individuals’ preferences as integral to the social fabric and a sense of communal continuity.<sup>43</sup>

Accordingly, responsible agents may have responsibilities to *privately commemorate* the injustices, through ensuring that they retain and maintain sufficient memories of the suffering endured by victims. As Zofia Stemplowska compellingly argues, “Many people – while alive – care that they be remembered after they die. This sometimes goes beyond wanting to be remembered exclusively by one’s close friends and family”.<sup>44</sup> Posthumous remembrance, then, could be an important – albeit by no means exclusive – means of mitigating the injustice that has been perpetrated against the individual whilst they are alive, especially if what is remembered is an accurate, comprehensive rendition of the suffering and injustice they experienced – at the hands of the perpetrator(s) of injustice.

On a more socially oriented level, agents deemed responsible under the CAM may bear the responsibility to preserve and pass on recollections of histories and memories of the injustices in question, through *public commemoration*. Where

possible, authorising citizens should take on the responsibility to explain and account for the responsibility of the state for injustices perpetrated in the past. The accurate documentation and preservation of history is pivotal in sustaining more systemic efforts at rectifying historical and enduring injustices – whether it be in providing rhetorical and evidential ammunition, fostering a sense of transgenerational solidarity and devotion to the cause, or applying constant political pressure on the relevant bureaucratic stakeholders.

### *Praxis of Apology and Commemoration*

The communicative and expressive nature of both apology and commemoration renders their praxis certainly more difficult in presently authoritarian contexts. Explicit references to the state's perpetration of large-scale injustices are often overtly censored and repressed by the state apparatus, for the fact that the widespread revelation of injustices could threaten regime survival – and is hence inimical towards the political interests of actors in power.<sup>45</sup>

Apology and commemoration are, of course, much easier and ubiquitous in *post-authoritarian societies*, whereby citizens are capable of discussing and issuing apologies over past atrocities. South Africa, for one, provides a valuable case study of transitional justice spearheaded through the lenses of truth and reconciliation, with the uncovering and collective pooling of victim memory a core priority on the part of the newly established post-apartheid government.<sup>46</sup> Yet it would be erroneous to conclude that they cannot take place at all under authoritarian regimes.

Authoritarian states may yet experience changes in leadership that give rise to contingent yet important openings for public commemoration and apology over past wrongdoings.

On 25 February 1956, at the 20th Congress of the Communist Party of the USSR, Soviet leader Nikita Khrushchev declared:

Stalin acted not through persuasion, explanation, and patient cooperation with people, but by imposing his concepts and demanding absolute submission to his opinion. . . . This was especially true during the period following the 17th party congress, when many prominent party leaders and rank-and-file party workers, honest and dedicated to the cause of communism, fell victim to Stalin's despotism.<sup>47</sup>

One hundred former party members, victims of the Soviet prison camps from which they were recently released, were added to the assembly.<sup>48</sup> Whilst Khrushchev's motivation for the subsequent campaign of *De-Stalinisation* – the systemic dismantling of the personality cult that had been erected around Josef Stalin – was no doubt in part informed by personal political considerations, his denouncement of the overt repression pursued during Stalinist rule paved the way for a degree of discursive and social liberalisation, as well as semi-public commemoration of victims of Stalin's purges. Indeed, the inclusion of victims of past purges in the assembly of his speech could also be seen as an indirect means of apology – through affirming the brutal aberration that was Stalin's rule.

For a more contemporary example, consider the following: decades since the end of the gruesome Chinese Cultural Revolution, the Communist Party leadership has distanced itself in both rhetoric and political ideology from the doctrines that inspired the zealous persecution of ordinary and innocent citizens in the ten-year period that lapsed between 1966 and 1976 – terming the atrocities perpetrated in that decade a “mistake”.

As Matt Sheehan wrote in 2013, “the apologies of a handful of Chinese who came of age during the Cultural Revolution have found a particularly large audience”. With “blogs, paid advertisements, and television appearances, some participants in the horrific crimes of the era have begun publicly apologizing to their victims and calling on their countrymen to do the same”.<sup>49</sup> Whilst the state did not – at all – affirm or echo these apologies, that it permitted these apologies to be aired and discussed publicly was indicative of a degree of tacit condonement of such apologies. So long as public apologies were crafted in a way that did not overtly challenge the legitimacy of the contemporary regime and leadership, they were thus tolerated.

### Discharging Responsibilities

At what point could responsible agents be said to have discharged their responsibilities? Where lies the threshold of sufficiency – such that any further contributions to reparative justice would be *supererogatory*,<sup>50</sup> but by no means to be expected from the individuals in question?

There is no determinate solution to this important question, though there are several useful heuristics that we can draw upon in answering it.

The *fair share* that a responsible agent should take up and discharge could perhaps be measured through two lenses: firstly, the *amount of costs* to which he is liable in order for measures of reparative justice to be implemented; secondly, the magnitude of *substantive impact* he must make towards reparative justice – as reflected by upsides along the dimensions of compensation, opposition, apology, and commemoration. Fair shares will vary from agent to agent – some agents should *do more* than others, as is instinctively felt to be the case in our everyday reasoning (especially per *proportional accounts* of responsibility distribution). Additionally, the greater the agent’s ability to bear costs (a higher cost-tolerance threshold) and the greater his capacity of effecting change (a higher efficacy rate), the more the agent should be expected to bear as his fair share – *ceteris paribus*.

With that said, per the two components of the CAM, responsible agents should not be expected to contribute towards reparative justice in domains beyond the ones in which their authorisation takes place – that is, there should be a degree of correspondence between the sphere of state activities that is authorised by citizens, and their responsibility. Such correspondence requirements should only be waived in the event that the original state-perpetrated injustice has already been adequately addressed, such that the agents in question should deploy their efforts elsewhere – for example, addressing other instances of state-perpetrated injustices.

Finally, as we shall come to see, the CAM should be adopted in conjunction with a variety of other accounts explored in Chapters 3 and 4, within authoritarian contexts. As such, the expected contribution attached to any one agent could well feature the aggregation and interaction between a number of responsibility-generating foundations, which would include but is not limited to exclusively authorisation.

### *Slack Uptake Addendum*

Where there exists a significant *remainder* in addressing an urgent injustice engendered by their state, authorising agents should be prepared to take up the *slack*. This harks directly to the Slack Challenge as outlined in Chapter 1: not only should authorising citizens step in to bear the slack left over by their irresponsible governments and state-affiliated actors; those amongst these citizens who are indeed compliant should be prepared to do more than their *fair share*, if doing so is “necessary to assist those in dire need”, as argued authoritatively by Stemplowska.<sup>51</sup> She posits that whilst in an ideal world, each and every individual would contribute their fair share to tackling urgent global problems, a variety of factors, including the free-rider problem and the dearth of coordination, preclude this ideal from materialising. This thus generates a *Responsibility Shortfall* – the very problem we have sought to avoid per Desideratum 3 in coming up with an ideal RJAS.

Here, if select compliant agents possess the broad resources and capabilities to make a significant contribution to the shrinking of the shortfall, and to the extent that there are indeed clear and pressing moral demands (e.g. victims suffering from devastating physical, socioeconomic, and psychological deprivation; individuals who have been severely wronged by their governments with no compensation or recourse within given institutional frameworks), it would not be unreasonable to expect that these compliant agents do more than their fair share to advance the goals of reparative justice. How *much* more, however, remains a separate question to be unpacked in future discussions.

### *Over-Demandingness*

A further concern with the prescriptions outlined thus far, and especially the *slack uptake addendum*, is that we may be unduly demanding towards responsible agents. May we be *unfairly* burdening responsible agents by asking them to go above and beyond what they should be expected to bear? Indeed, could we not be unduly undermining the *efficacy* of our prescriptions by concentrating all our energy on those who are compliant – whilst merely criticising, but not blaming, individuals who fail to discharge their responsibilities?

These concerns provide the impetus for the following overarching parameters for the CAM:

Firstly, we should take seriously the *feasibility* for the agent in question to undertake the relevant reparative actions. The more room there is for the individual to redress the injustices, the greater the expectation of the agent when it comes to the breadth and scope of actions undertaken to redress the injustices.

My concept of feasibility is distinctly informed by the work of Pablo Gilabert and Holly Lawford-Smith,<sup>52</sup> as established in Chapter 1. Setting aside cases of *hard infeasibility* – constraints that are metaphysical and reflective of the limits of human capabilities (e.g. we cannot travel safely to the Sun’s surface; we cannot revive the dead etc.) – it is clear that different agents will have access to different amounts of resources and privileges, which in turn come with different degrees of *soft infeasibility*. The more infeasible a reparative act is, the less criticisable an agent is for not performing it. Agents should be strategic in prioritising actions they can feasibly undertake.

Secondly, we must accommodate considerations pertaining to the *costliness* of the reparative actions prescribed to the agent in question. How economically, psychologically, politically, or even physically costly would it be for the agent to discharge such responsibilities? To what extent would significant sacrifices be expected on the part of the agent? The costlier reparative acts are, *ceteris paribus*, the weightier the relevant grounds for the agent to appeal to when it comes to opting out of the prescribed actions. If their act of redressing an injustice inflicts substantial costs that would lead to their experiencing significant deprivation or secondary injustice, these are clearly grounds for us to think twice concerning the level of responsibility we assign to these individuals. Indeed, I would posit that the incurrence of significant costs – the sacrifice of pursuits of great personal importance, abandonment of physical and economic security, and an unreasonable de-prioritisation of ground projects of personal relevance and significance – should not be expected of most reparatively responsible agents *qua* authorisation, with exceptions being instances where the citizens have intentionally and unambiguously contributed towards the injustices as co-perpetrators or complicit actors.

No reparatively responsible agent, *qua* authoriser, should be assigned responsibilities to carry out actions that are hard-infeasible, or soft-infeasible beyond a reasonable minimum threshold; nor should he be expected to bear highly significant costs, unless he is also related to the injustice in a more proximate and direct manner – for example, in intentionally perpetrating the wrong on behalf of the state.

## Two Core Challenges

There remain yet two key challenges to the application of the CAM to authoritarian settings. They concern, respectively, the *infeasibility* of political change in authoritarian states and the apparent *permissiveness* of the approach undergirding my theory of praxis. These questions strike at the core of Desideratum 3 – to what extent can the CAM offer adequate resolution, and to what extent is its recommendations practically feasible?

### *The Challenge of Infeasibility*

The foremost challenge concerns infeasibility. Some may be concerned that authoritarian states feature too much concentration of powers in the hands of the executive – especially those governed by (II) military, (IV) monarchical, or even

certain (III) personalist authoritarian regimes – such that ordinary citizens simply possess neither the capabilities nor the resources to make a meaningful impact on their societies. Given this, how feasible, really, are the recommendations outlined earlier – without imposing excessive costs?

In response, the dual prongs of *rightful resistance* and *institutionalised advocacy* apply well to select (I) dominant-party authoritarian states with mature bureaucratic apparatus. Indeed, we could also add that in states such as China and Vietnam, as Duckett and Wang note in the former,<sup>53</sup> when the demands and needs of populations are framed through lenses of policy innovation that is vital to the sustenance of state legitimacy and stability, their governments would have the natural incentives to take seriously public opinion and reflect such opinion in their policymaking decisions and processes, even if such opinion cannot – through elections or formal institutions – shape the identities of decision-makers and resultant policies.

As for another example of the latter *modus operandi*, occurring in a distinctly personalist and theocratic state, we should look no further than Iran – where the heavily gatekept and controlled elections have historically featured significant contestations between the factions of conservatives and reformists, especially behind closed doors. Under the leadership of Mohammad Khatami and Hassan Rouhani, reformist political leaders with both a greater policy emphasis upon the rights of and heightened policy support from women and youth, the Iranian state took a distinctly more moderate and less conservative approach to social policies, despite the persisting and overarching influence of the Supreme Leader Ali Khamenei.<sup>54</sup> Iranian citizens are unable to choose which candidates are granted the right to contest elections – yet they have the ability to vote in the flawed, defective, albeit uncompetitive elections: a fact that grants them on aggregate a modicum of influence over the policy platforms adopted and advocated by candidates, who may choose to advance reforms within *existing institutions*, within given parameters.

Of course, for states that lack an elite open to or dependent upon public opinion collection, incorporation, and transformation into policy and personnel preferences, it appears unclear as to how the popular will can, in fact, matter. The conventional view also holds that the *civil society* in authoritarian states is largely stifled, such that private actors are unlikely to gain much traction in pursuing socioeconomic changes, especially under military or absolute monarchical regimes that have little appetite for private sector efforts that indirectly upset or directly challenge the incumbent ruling elite's authority. Authoritarian and semi-democratic governments may opt to target civil society leaders, neuter their ability to induce political change, and implement a combination of violence, threat and coercion, and state absorption tactics to dissolve civil society opposition. Finally, there is the concern of motivational infeasibility or apathy – individual citizens are unable to bring themselves to care, due to long-standing state inculcation and instillation of values that have left them apathetic and sceptical towards the perceived opposition and victims of the state.

Yet there remains some room for optimism. Anthony Spires and Akihiro Ogawa raise the salient observation that despite the co-optation, infiltration, and

penetration into civil societies by the state apparatus in certain authoritarian states in East Asia, citizens remain capable of resisting or bypassing state co-optation, especially for executives with weak state capacities.<sup>55</sup> That civil societies are far from being wholly independent does not imply that there exists no autonomy or agency on the part of citizens operating within them.

### *The Challenge of Permissiveness*

The second objection to my account is that I am far too permissive towards states that some may reasonably construe as inherently illegitimate. Those who hold this view would argue that any account of reparative responsibility is insufficiently radical if it fails to provide a substantive working theory concerning how authoritarian states can be induced to “democratise” – that is, regime liberalisation or change.

One may be concerned that those advocating gradualist reparative actions (e.g. compensation, opposition, apology and commemoration) would only increase the resilience and persistence of the authoritarian state apparatus, thereby supporting the narrative championed by the state: that there is no reasonable, better alternative to its rule. To paraphrase Nancy Fraser, the measures I propose above are purportedly at risk of problematically failing to be *transformative*<sup>56</sup> – whilst they do correct “inequitable outcomes of social arrangements”, they do so “without disturbing the underlying social structures that generate them”.

Yet fundamentally, the task of systemic democratisation should not be conflated with that of reparative justice. Indeed, they may well come into conflict, and it is my view that reparative justice is just as, if not more, important in the weighing-up of interests. Responsibilities of reparative justice encompass compensation, opposition, apology, and commemoration: whilst the responsibilities to reform institutions for greater democratisation may overlap somewhat with the responsibilities to oppose injustices, the responsibilities of both compensation and commemoration are distinctive and stand apart from general duties of democratic reform. The upshot is that citizens’ responsibilities to redress injustices under their states do not entail a duty to pursue regime change.

A more prudent approach to reparative justice should refrain from advancing comprehensive regime change, defined here as a fundamental overhaul to the *state*, for example, its institutional arrangements, rules of interplay, and leadership structures,<sup>57</sup> and focus instead on securing concrete, important gains with the objectives of redressing past, present, and future injustices.

We should remain open to suggestions that more radical solutions, with greater regime-transforming focus than the ones outlined earlier, could well be justified in select authoritarian contexts. Indeed, there may even be certain cases where, without a fundamental regime overhaul, it would be infeasible to pursue compensation, opposition, and commemoration for injustices. Yet these cases are atypical.

I would posit that most authoritarian states today do not fall into this category, for three distinctive considerations.

### *The Efficacy Consideration*

The first consideration involves *efficacy* in bringing about *reparatively just outcomes*. Aiding victims of state-perpetrated injustices requires a significant volume of resources – economic, financial, political, or otherwise. Out of necessity, those seeking to aid these individuals would often find themselves working with other agents, including those who are clearly averse to attempts at overthrowing altogether the political system.

Reparative justice would also often necessitate collaboration with state structures – even authoritarian ones. These are practically *necessary* measures for genuine amelioration of victims' and their significant others' circumstances to be achieved. Robert Goodin and Chiara Lepora highlight conflict-ridden instances where complicity in and engagement with the government of the state is vital in the administering of humanitarian aid to refugees and vulnerable populations.<sup>58</sup> Dr. Liza wittingly accepted being turned into a tool of Russian propaganda in exchange for the resources to rescue victims of the war in Donbas in 2014. Portions of the United Nations (UN) aid have been siphoned away and appropriated by the Taliban regime, in exchange for its granting the UN access to populations subjugated by its rule.<sup>59</sup> We are naturally operating in murky territories here, when it comes to authoritarian states. In practice, individuals working in humanitarian aid and assistance would often find themselves not just foregoing explicit, open principled opposition to the state, but also violating purported constraints against complicity in and collaboration with the state.

In *pursuing* regime overthrow – which clearly does not necessarily guarantee its successful toppling, let alone the replacement of it with a more constructive alternative – individuals may, in fact, render it much harder for reparative justice to be achieved. Political, financial, and organisational capital available to those agitating for reparative justice is scarce and finite – and thus in direct competition with the capital for more radical restructuring and changes to the regime. In particular, MDAS are broadly popular and highly effective at coopting and incorporating viable challengers to power, such that no tenable coalition of opponents could be formed in resisting their rule; this, in turn, means that aligning with the MDAS executives is a prerequisite for individuals to gain access to critical opportunity structures and spaces in which they can make an active, positive difference.

Failed attempts at instigating regime changes have often been accompanied by worsening crackdowns, authoritarian entrenchment, stifling of dissent, or proliferation of civil strife and violence. See, for instance, the repression of opposition activists and the rise of terrorist groups such as the Islamic State of Iraq and Syria (ISIS) in Syria during the final decade of Bashar al-Assad's tenure (2014–2024) and war-ravaged Iraq – in the aftermath of the Arab Spring.<sup>60</sup> Even where such attempts succeed in removing previous authoritarian states, there is little guarantee that the incoming regime would have much interest in condoning or undertaking reparative actions – see, for instance, the post-Shah Iran under the Supreme Leader Ruhollah Khomeini.<sup>61</sup> Regime change without institutional transformation and overhaul could well result in worse consequences across the board, including in the sphere of reparative justice.

*The Costliness Consideration*

The second consideration concerns costliness. Any sound RJAS must comply with Desideratum 3, which requests that the recommendations generated are not unduly costly for the responsible agents. Agents could be praised qua having performed supererogatory acts, for attempting to bring about reparative justice whilst incurring substantial costs; yet they should not be required to do so.

In response to the above claims on feasibility, one may suggest that the seeking of a transition into a more *democratic* and *constrained* regime is not, in and of itself, prone to causing the problems discussed earlier. So long as regime change is planned, executed, and approximated only in cases where it has some probability of success, why not opt for it in lieu of gradualist solutions?

To this, There are two rejoinders, establishing that even the mere seeking of regime change, with the intention of introducing a democratically and openly elected state in succession, would often be a very costly course of action when it comes to redressing state-perpetrated injustices. There are many cases where the pursuit of regime change would be prudentially impermissible, given the substantial costs that arise in reaction.

Firstly, most authoritarian regimes are likely to severely penalise those who attempt regime change. Authoritarian states may possess extensive access to security, surveillance, and extensive repressive apparatus, with which they crack down upon both collective and individualised dissent; even otherwise moderate bureaucracies of MDAS could be triggered into a repressive crackdown upon the perception of an existential threat to their continued rule. Yaffa points to the organisational difficulties for activists and journalists seeking to systematically push back against the Russian state through spurring infra-elite defection, in the aftermath of Vladimir Putin's entrenchment of power and establishment of a cult of personality around him. Timothy Snyder writes of the vast challenges experienced by those seeking to topple the government, whose families and loved ones – alongside themselves – face prohibitive threats to personal safety under the Russian state<sup>62</sup>; this also renders it unlikely that attempts at pursuing regime change would gain much public sympathy and support. Pressing for contextual concessions and granting of material welfare from local authorities, on the other hand, remain distinctly more feasible and less costly – for such advocacy neither is perceived to be an existential threat to the regime, nor requires the navigation of sizeable bureaucracy and vested interests.

The second reason concerns both the personal and other-affecting costs of *incomplete democratisation*, as observed by Barbara Walter in her discussion of anocracies and rushed, nominal transitions “out of” authoritarianism. Since the upheaval of the Arab Spring, embroiled states such as Libya, Egypt, and Yemen have found themselves swept up by years of political upheaval, with the latter locked in civil war to this very day. Authoritarian politics and sectarian strife have ebbed and flowed in these states since. Even tentatively post-transition states could well relapse into authoritarianism, on grounds of poorly defined institutions, absence of a well-formed and robust civic culture, and due checks and balances between different arms of the government; consider, for instance, Myanmar's regressing from

the flawed democracy under the National League of Democrats, into a military junta under the Tatmadaw once again.

### *From Affirmative to Transformative Reform*

Finally, reforms that seemingly “affirm” dominant structures in the status quo may, in fact, pave the way for future, fundamental transformations in the long term, including the nature and constitution of the government. Short-term reform oriented around the triptych and long-term regime change need not be mutually exclusive. Genuine changes to the state and how it is organised can emerge through piecemeal and gradualist relaxation of restrictions. Indeed, Fraser herself has remarked that “[r]eforms that appear to be affirmative in the abstract can have transformative effects in some contexts, provided they are radically and consistently pursued”.<sup>63</sup>

When applied to the reparative project at hand here, we could expand the scope of transformative reforms to encompass more than total regime overhaul – such reforms could also take the form of new political leadership, significant devolution and changes to governance, or the introduction of more technocratic-meritocratic norms governing personnel appointment and selection.

### **Recap**

The ideal account of praxis, per the CAM, can hence be summarised as follows:

1. Responsible citizens bear forward-looking responsibilities to engage in reparative justice. The excusable and/or exemption-worthy failure to discharge such responsibility renders one criticisable.
2. Such responsibilities can be discharged through at least three predominant means: *compensating* victims of injustice, *committing to* stopping present and preventing future injustices conducted by the state, or *commemorating and apologising to* victims of injustice. Additionally, citizens must be *pragmatic* in seeking to transform state institutions in bringing about such outcomes and are bound by *second-order responsibilities* to enable reforms instrumental for these responsibilities to be discharged by themselves or others.
3. Such reparative justice-oriented action should generally be *non-transformative* in the short to medium term, on grounds that the radical pursuit of regime change is prudentially ill-advised – too costly and infeasible – and tends to lead to normatively unjust outcomes.
4. From the perspective of reparative justice, the seeking of regime change is permissible if it can be reasonably ascertained that doing so has a reasonable chance of success, does not result in substantial disruption to reparative justice, and does not impose excessive costs on individuals other than those pursuing the regime change, for example, the public at large. Prudentially, however, the active and intentional seeking of regime change in the short to medium terms is deeply ill-advised, especially if the likeliest outcomes of such actions are the strengthening and entrenchment of the authoritarian state apparatus and further state-perpetrated injustices.

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## 9 What About Us?

Part I set out the core theoretical fundamentals of authoritarian states, as well as the dimensions on which we ought to assess different theories of reparative justice. Part II established that select, existing theories of reparative justice can indeed be modified and applied to different groups in authoritarian states, with varying degrees of success in justifying the assignment of reparative responsibilities to particular agents.

Part III featured the primary positive contribution of the *Comprehensive Authorisation Model* (CAM). Drawing upon a wide range of theoretical and empirical literature, we have thus concluded that citizens in certain authoritarian states – especially those in MDAS – develop reparative responsibilities and consequent liabilities to costs for redressing such injustices over their governments’ actions.

In the first chapter of Part IV, we addressed how agents in authoritarian states should best discharge their reparative responsibilities – through compensating victims of, opposing, apologising for, and commemorating such injustices. In this concluding chapter, we shall reflect upon the wider implications and significance of the CAM – how it compares and interacts with other accounts in authoritarian states, but also how it may bear on the way external institutions and actors should interact with citizens in these states.

### Practical Upshots

You may find yourself convinced by the theoretical tenets of the CAM, yet perplexed still by one question: how should *we*, as readers, act upon the analysis provided? What are the practical upshots – and who are the *individual agents* who will incorporate and draw upon the theoretical insights presented here, and channel them into action?

We shall briefly address this question on two levels – the domestic (within these authoritarian states), and the international (outside these authoritarian states). Exploring these prescriptions in detail is the substance of another book.

### *Domestic Community*

In the Introduction, I outlined two challenges posed by instances of state-perpetrated injustices in authoritarian states. The first is the *Distributive Challenge*. The second

is the *Slack Challenge*. In applying the CAM to answer the two challenges, we can thus see the practical implications of the account.

In relation to the former – which pertains to how states should distribute the burdens of reparation amongst their citizens – I suggest the CAM serves as a useful principle for the incumbent administration to determine and calibrate how costs should be allocated and shouldered for the reparations, should it commit to redressing the injustices it or their predecessor has committed.

Consider the regime R' of an authoritarian state S', which decides to pay monetary reparations to victims of campaigns of repression and extrajudicial imprisonment, which had been wrongly violated by the same state, under R', or R's predecessor R''. As I proposed elsewhere, R' should follow a three-stage process.

The first stage involves the application of both IDAs and DDAs – in their modified manner (cf. Chapters 3 and 4) – to parcel out responsibilities, in both direct and indirect ways. Morally responsible perpetrators of injustices within the state apparatus should be required to shoulder a fair volume of the liabilities and costs involved in repairing the injustices they perpetrate. Yet for a raft of reasons – pertaining to costs and infeasibility of implementation – this stage will likely leave a remainder that requires further addressing.

To address this remainder, the second stage, then, the state must apply the CAM on a group-based level, to gauge roughly the levels of responsibilities borne by different groups or subsets in their country's population. Demographic groups, sharing similar life chances, sociological circumstances, worldviews, and normative values, can serve as reasonably effective tools of approximation, enabling the state to arrive at a rough and effective approximation for the entire population.

The third stage would then feature the application of further principles of prudence – taking into consideration the range of practical costs and benefits, feasibility considerations, as well as non-reparative factors – in the determination of how these burdens should be distributed *within* these groups. Across both authoritarian and post-authoritarian societies – but especially the latter – a relatively straightforward proposal would be to devolve the parcelling of responsibilities to commissions in charge of each respective group, populated by representatives of the group, tasked with the mandate of figuring out how the costs of reparation should be borne by their members. Checks and balances should, of course, be installed to ensure accountability and prevent abuses of power. State bureaucrats may play the role of go-between, in ensuring that across both the second and third stages, CAM principles are duly adopted, without unnecessary politicisation or unwarranted weaponisation of blame and guilt.

Should citizens fail to take up responsibilities in the second and third stages, they would thus be liable to criticism and even imposition of penalties by others. Even if the governmental apparatus of the state had itself been culpably implicated in the wrongdoing, it could still possess the rightful standing or authority to impose non-punitive penalties upon individuals for non-uptake of responsibility.<sup>1</sup> In theory, the post-Stalin Soviet Union regime would have had the right to enforce – through imposition of penalties – the requirement that authorisers of the Stalinist regime bear the costs of reparative justice towards the victims.

Of course, monetary reparations were never delivered by the state under Nikita Khrushchev – even despite his apology in his seminal speech – and the question of cost distribution thus effectively moot.

Now what of the *Slack Challenge*? After all, not all authoritarian states are indeed willing to take up and discharge their reparative burden. In instances where the government leaves behind a clear slack, authorising citizens should themselves take up the responsibilities outlined earlier – to the extent reasonable, that is, neither excessively costly nor infeasible in demands.

Whilst citizens are not in a position to enforce clear penalties and impose costs upon one another for failing to comply with these reparative responsibilities, community norms, deliberation, and knowledge transmission do indeed play a key role in promoting greater awareness and understanding of reparative responsibilities. Responsible agents should adopt whatever methods and modes of persuasion about which they are maximally confident, in order to approach and engage strategically with citizens receptive towards different lines of reasoning.

Notably, the CAM serves as a crucial justificatory ground for reparative responsibilities, but it need not be invoked in popular discourse and rhetoric as a key – let alone the only – case for individuals to contribute towards righting the wrongs of their states. In contrast, a range of appeals – to emotions, sentiments, virtue, or even civic duty – should be embraced, in order to motivate individuals to take reparative justice seriously.

### *International Community*

Thus far, we have primarily focused on how *citizens* of authoritarian states should redress injustices committed by their own states. Yet a separate puzzle – to which this book cannot do proper justice fully – is how the *international community* ought to react to instances of state-perpetrated injustices.

In December 2001, the International Commission on Intervention and State Sovereignty published a report setting out the framework for the *Responsibility to Protect* (R2P).<sup>2</sup> The central doctrine is that sovereign states possess a fundamental responsibility to protect their own citizens from mass murder, extensive loss of life, sexual and physical assault, and other forms of deeply egregious rights violations. When states are apparently unwilling or incapable of protecting their populations, such responsibility must be enforced through the intervention by the broader international community of sovereign states.

Atrocities such as those that took place in Rwanda and Srebrenica should not be permitted to recur, through the direct involvement of external parties – by proportionate and commensurate force, if necessary. Anne Orford traces the ethos underpinning R2P to Michael Walzer's classic *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, which articulated emphatically the "idea that force could legitimately be used as a response to situations of massive human rights violations within a state".<sup>3</sup> In the event that a state fails to meet the basic minimum standards of decency in relation to its own people – not in virtue of its not being democratically elected or determined through competitive procedures, but given

its direct and unrestrained abuse towards its own people – it behoves other states to step in to provide the bare minimal goods to which their people are entitled: security, freedom from violence and harassment, bodily integrity, and a sufficiently reasonable standard of wellbeing that allows them to pursue minimally decent lives.<sup>4</sup> Of course, such duties arise only when the primary state in question exhibits a distinct failure and shortcomings in relation to these standards.

For those who accept the normative and intuitive force of R2P, a possible parallel could be drawn between R2P and what can be tentatively termed the *Responsibility to Repair* (R2R) – which applies a similar logic to the context of redressing existing and past injustices. Consider instances where all individuals who should be held responsible, per the frameworks outlined previously, have been identified and contributed their share to redressing the state-perpetrated wrongdoings in question. Suppose there yet persists a stubborn *remainder* – a residual shortfall between the ideal and the reality that cannot be sufficiently resolved. The international community could be thought to possess *pro tanto* responsibilities to redress this very remainder.

The R2R is grounded in several justifications. One justification has much to do with slack-taking – the idea that other states should step in to take up the slack left over by an irresponsible state that refuses to live up to its end of the bargain.<sup>5</sup> This view may resonate with the advocates of R2P: where possible, countries should seek to help their less responsible counterparts meet unfulfilled, weighty moral commitments towards their own people, provided that doing so does not greatly undermine their own core interests or right to self-determination.<sup>6</sup>

Another defence has to do with the second-order responsibilities of third parties to ensure that responsible agents can, in fact, meaningfully discharge and comply with the discharging of their responsibilities. Whilst it is evident that third parties do not develop on the same grounds the same responsibilities to redress injustices as authorising citizens of authoritarian states do, this does not prevent them from developing derived responsibilities to *facilitate* and *enable* responsible citizens to fill in for the slack and take up parts of the distributed burdens in reparative justice.

Finally, there is the intuition that is perhaps best captured by the adage that *injustice anywhere is injustice everywhere*. The failure to tackle the injustice of long-outstanding claims to reparation that have yet to be addressed – amounts to a persistent injustice that reflects poorly upon all international stakeholders: at least, those who can and are able to intervene. The universality and moral weight of the wrongness in unredressed injustices render it the case that when others' states fail to perform their due shares, we thus possess the responsibility to step in and up, to advocate the proper reparation of the injustice in question.

How strong these responsibilities are and whether there are cases where waiving or suspending them would be appropriate are all questions that remain unresolved in this book. With that said, as compared with the R2P, the R2R has a generally lower threshold for what would qualify for concern. It need not be that the authoritarian state is actively carrying out large-scale violence and irreversible harm to its citizenry, that is, a genocide or an unjust war.

The R2R also has a more circumscribed scope of permitted actions – for example, states are not permitted to conduct military interventions into other states to repair victims of the injustices committed by the latter, unless further criteria concerning just war are fulfilled. Additionally, the R2R requires the international community to ideally work directly with other responsible agents within authoritarian states – including citizens who accrue responsibilities through subjective or objective authorisation, complicity in state actions via intentional participation, or intentional contribution to state actions – in enacting gradual and pragmatic transformations to their own societies.

Accordingly, the sovereign state-based international legal system possesses principles that can and should be drawn upon to support a more comprehensive and ambitious programme capable of tackling injustices that have been left unremedied. Three tentative implications thus follow.

Firstly, where feasible, international states and their citizens should seek to equip responsible citizens in authoritarian states with the means (including resources, knowledge, and incentives) to compensate victims of injustices, oppose present and future injustices, commemorate and acknowledge past injustices, and advance institutional reforms.

The provision of support should manifest in ways that remain largely accommodated and tenable under existing authoritarian state structures. In working collaboratively with external parties to redress state injustices, citizens of authoritarian states should not be expected to thereby consent to bearing disproportionate risks and undertaking actions that require them to actively sabotage the political order of their own states.

With that said, indirect, long-term actions aimed at empowering and cultivating future generations of homegrown politicians, civil society leaders, and activists operating in authoritarian states, with the aim of equipping them with the wherewithal to combat injustices, are also most reasonable in this light. Such transformations could especially be accomplished through the public dissemination of information and provision of intellectual resources and opportunities concerning the state-perpetrated injustices and recommended recourses to them.

There may be instances where it is not possible to empower authorising citizens to step up to their responsibilities, such that no amount of international community involvement can facilitate those responsible actors in addressing the remainder of their responsibilities. In these cases, foreign states have a *pro tanto* responsibility to undertake direct action to redress the injustices. Even then, such actions should be carefully and heavily restrained to negate unnecessary collateral damage. The underlying rationale for such caution against interfering in the domestic affairs of foreign states has much to do with our need to be cognisant of the rights to self-determination of the populations of the states in question and not impose alien or prospectively unwelcome forms of external political authority upon them. Indeed, the provision of reparative support should not come at the expense of national sovereignty or the collective right to self-determination of peoples in authoritarian states. As discussed in Chapter 8, robust reparative justice is unlikely to arise through drastic, radical regime change through externally originating military interventions or internally instigated revolutions.<sup>7</sup>

Secondly, I remain sceptical of the view that we should impose penalties on states – and, given the transmission mechanisms – their populations, in order to prompt them to carry out actions of reparative justice?

Sanctions are often insufficient – if not downright counterproductive – on their own as a means of altering regime and political elite behaviours. As Robert Pape notes, “nationalism often makes states and societies willing to endure considerable punishment rather than abandon their national interests. States involved in coercive disputes often accept high costs, including civilian suffering, to achieve their objectives”.<sup>8</sup> This is especially the case in authoritarian states built around strong, overarching personalities (e.g. monarchies or personalist authoritarian states), or states with a compelling and effective basis of governance durability, resting with the deployment of military force, violence, and coercion (e.g. military authoritarian regimes). As Joy Gordon notes, the ethical justifiability of economic sanctions is a complex question that turns heavily upon their empirical likelihood of success – with a very mixed track record.<sup>9</sup>

As such, beyond largely punitive measures such as asset freezes, trade blockades, or campaigns aimed at constricting state capacities, the international community should deploy a wider range of tools in interacting with authoritarian states. State leaders must contemplate creatively and constructively about how best to facilitate the efforts of those seeking to reform institutions *from within* authoritarian states. In practice, this behoves the deepening of engagement and ties with different stakeholders within these contexts. The bolstering of such ties allows for the fostering of collaboration with stakeholders in authoritarian states who are keen on *reforming* their own state institutions to redress injustices. Only by empowering domestic stakeholders in possession of agency, knowledge, and understanding of their own political contexts could there be a holistic political solution that takes seriously the challenges and opportunities for reparative justice in authoritarian settings.<sup>10</sup>

#### *On International Compensatory Schemes*

Thirdly, we must carefully consider how international law should be designed and pursued in relation to citizens of authoritarian states.

Principally, both the objective and subjective prongs of the CAM can be reflected in the designing of compensatory programmes, such as those advanced by the United Nations Compensation Commission (UNCC) under the Security Council, in relation to Iraq’s 1990–1991 invasion and occupation of Kuwait.<sup>11</sup> Future compensatory schemes for unjust wars waged by authoritarian states can demand, in part, that the state allocates the reparative burdens amongst individuals who have subjectively or objectively authorised it.

The CAM applies well to MDAS, where there is close alignment between state and citizenry on particular, externally oriented actions entailing invasions or warfare, but also select non-MDAS where strong subjective authorisation by a segment of the population is undertaken in relation to particular policy domains. For an example of the latter, it would not be implausible, for instance, to argue that the reparative costs for the Russian annexation of the Crimean Peninsula and

instigation of *de facto* secessionism in the Donbas should be borne by all those who subjectively authorised the Russian government during that period.

However, there are other cases where the adoption of the CAM by international schemes would yield the conclusion that few individuals should bear the reparative burdens, on grounds that there exist few authorisers – subjective and objective. In the event that a proportional distribution of responsibility still leaves a remainder of reparative justice, there are two possible alternatives to which external stakeholders can turn.

The first consists of leaving the injustice as it is, for the costs of redressing it outweigh the tentative normative case for citizens to assume the responsibilities. Whilst attractive at face value for its parsimony, this proposal appears to be unacceptable in cases where there are clear and persisting victims who are suffering under the injustices in question. It would appear unconscionable for us to walk away from victims of state-induced physical abuse, property seizure, and large-scale cultural destruction. The urgency of these claims gives rise to the need for some kind of targeted responsibilities – even if they are purely forward-looking and task-oriented.

The second, more plausible and defensible, response consists of having the international community take up portions of the remainder. In practice, this may entail international actors committing to the kinds of direct actions per my proposed triptych of reparative justice, whereby external states seek to offer compensation (in the form of financial aid, opportunities to emigrate, or socioeconomic assistance in kind) to victims of state-perpetrated injustices, oppose the continued perpetration of such wrongdoings by said states, or commemorate and acknowledge these wrongdoings in their own right. Yet this option should truly be a last resort – given the potential engendering of *moral hazard*. We should not seek to live in a world where external third parties are tasked with fulfilling reparative responsibilities that should ideally be taken up by the governments and responsible agents of states perpetrating injustices.

### **How Does the CAM Compare with Most IDAs and DDAs in Authoritarian Settings?**

The CAM advances a crucial perspective in complementing existing frameworks. However, it does not displace, replace, or supersede other viable and promising approaches of reparative justice – especially ones that can be reformatted and reconstructed to account for authoritarian contexts. We can easily identify and understand cases where authorising agents are not perpetrators or accomplices in the perpetration of injustices (variants of *direct distribution*), or complicit and intentional participants in their states (*indirect distribution*), yet still possess the specific case to attend to the effects and legacies of injustices committed in their name. As compared with existing *non-authorisation-centric accounts of responsibility*, the logic of authorisation can serve as an independent and robust explanation for the normative imperative for the responsible agent to redress the injustice perpetrated by his state.

To see where the CAM perhaps outperforms the other accounts we have explored at length throughout Part II, it would be helpful to offer several concise comparisons. We can draw upon the three desiderata to help us make sense of why the CAM can – conditionally – outperform the three of its most prominent and promising counterparts in authoritarian settings: Holly Lawford-Smith’s state-inclusive, citizen-exclusive account (a DDA),<sup>12</sup> Avia Pasternak’s Intentional Citizenship Account (an IDA),<sup>13</sup> Iris Marion Young’s structural injustice-centric Social Connection Model (SCM) (an IDA).<sup>14</sup> All three accounts can be rendered applicable to authoritarian states, as reflected by our analysis and reconstruction of them. The question is – how do they compare with the CAM?

### *Descriptive Accuracy*

The CAM is successful in minimising both overshooting and undershooting – especially the former. On overshooting, recall that Lawford-Smith’s account struggles to explain why members of the authoritarian state apparatus who experience coercion, manipulation, and deception under their political leadership are – fundamentally – responsible for the acts perpetrated by the government. Pasternak’s ICA certainly fares better but does have the tendency to overshoot when it comes to the precise range of acts (including *nominally shallow secrets*, of which individuals nevertheless lack full comprehension) for which individuals are held responsible and runs into the same problem that most complicity-centric accounts have in relation to *action description*: it stretches the concept of participation in the state too far, in encompassing routine acts that are both anodyne and performed without any express endorsement of the state in mind. Finally, Young’s SCM strains to explain why individuals operating under contexts of radical coercion should be deemed responsible in the forward-looking manner as she prescribes.

The CAM avoids the defects giving rise to the overshooting of these three accounts. First, the CAM makes it explicit that the presence of *radical coercion* is a disqualifying condition for the uptake of responsibility. Coercion, to the extent that it demonstrably interferes with an individual’s ability to meaningfully satisfy the *Influence Condition* of the OAA or the *Genuineness Condition* of the SAA in relation to state-perpetrated acts, is, in fact, sufficient to negate the existence of reparative responsibilities.

Second, the CAM offers very specific stipulations concerning what the relevant scope of acts is – by leveraging the policy domain (inspired in part by Pasternak’s response to Stilz<sup>15</sup>) as the primary cut delineating the limits to acts for which citizens are responsible, we thus arrive at a useful partitioning principle in determining both the range of relevant state-perpetrated injustices in responsibility assignment, and the identities of agents who must bear reparative responsibilities for such injustices. By expressly acknowledging that the relationship between the state and the citizen – even if *non-participatory* – can still be morally salient in other ways (via objective or subjective authorisation), the CAM offers an alternative reading of what gives rise to reparative responsibilities, as compared with Pasternak’s account. Furthermore, the worry that the descriptions of individuals’ actions are

underdetermined can also be circumvented; that is, the CAM does not require the imposition of implicitly normative and value-laden readings of citizen intentions in order for meaningful attribution of responsibilities.

Third, across both its prongs, the CAM incorporates a wide range of parameters that can capture, in a more refined manner, the relations between the individual agent's quality of will, the costs imposed upon the individual in the discharging of reparative demands, and the reparative responsibilities borne by him. The sensitivity of the model thus ensures that it is not over-demanding – or overshoots in the level of responsibilities assigned to individuals. These parameters also help elucidate the differences between agents with varying degrees and scopes of responsibilities, which is something that Pasternak's account strains to do.

What of undershooting? Trivially, Lawford-Smith's account clearly undershoots in authoritarian contexts, given that many of the non-state-apparatus actors involved in state-perpetrated injustices under authoritarian states do not constitute – per the stipulated criteria – members of the collective agent that is the government. Whilst Pasternak's model does not undershoot, in my view, it has residual epistemic-evidentiary problems concerning whether individuals indeed harbour such participatory intentions. In other words, it is difficult to assess whether agents are truly intentional citizens, as opposed to merely general affirmers or endorsers of their state.

The breadth in scope of responsible agents identified by the CAM does not amount to overshooting. After all, a wide scope is only useful insofar as it reflects, in substantive terms, who are or are not responsible. The objective authorisation component successfully identifies a wide range of individuals who are not directly involved or indirectly implicated in the causation of the state-perpetrated injustices, and yet are, in virtue of their having derived significant presumptive benefits from their states, thereby responsible. The subjective authorisation component, on the other hand, grounds our holding responsible individuals who possess and express specific attitudes towards their state. Both moves thereby expand the scope of agents who can be assigned reparative responsibility, whilst supplying persuasive reasons to justify this very move.

With the carefully crafted criteria and prerequisites for application, neither the SAA nor the OAA overtly overshoots. It may be at times difficult to determine if individuals are indeed presumptive beneficiaries or if they, in fact, have their private freedoms violated by their state, yet such ambiguities are by no means structural or overriding at large. The epistemic barriers for determining if individuals are indeed *better-off* as a result of the state's intervention (*objective*) or do, in fact, view their state as a credible *interpreter and upholder* of interests (*subjective*) are not particularly insurmountable. As such, the CAM can indeed circumvent many of the issues that hinder the explanatory power of alternative accounts in authoritarian settings.

Recall that Young's model is limited by its unduly letting individuals off the hook – specifically powerful agents within structures who can be blamed for their roles in precipitating injustices, both *structural and non-structural*. Whilst Young has suggested that all agents within structural processes are bound by objective sociological constraints, and so should not be deemed morally responsible for

the injustice when operating under such structures, this argument does not adequately address cases where agents are – in fact – not constrained by the sociological conditions in which they are situated.<sup>16</sup> Indeed, the role of individual agents in emphatically and intentionally bolstering established sociological constraints, and in shaping and amplifying the harmful norms, values, and ideals underpinning such constraints, must be properly acknowledged. Young's account is also over-simplistic in passing over the question of the degree of discretion that these individuals *could have exercised* and *failed to do so* through their voluntary actions or inactions.

The CAM is more capacious and hence applicable to authoritarian contexts than the other theories above. It does not deny – though it does not actively prescribe – the value of blame and moral responsibility assignment in authoritarian contexts, when it comes to intentional perpetrators of injustices.

### *Explanatory Precision*

For all three of the other accounts, it is evident that they possess general explanatory precision across many contexts, including most democracies. None amongst them is inherently imprecise in the explanation and reasoning supplied for holding individuals responsible.

Yet we are predominantly interested, in our analysis, in whether such frameworks could be applied to the authoritarian context. As such, I do not dispute the fact that each of these models is explanatorily precise – and indeed, most powerful – for at least a sizeable subset of cases of injustices at large, albeit perhaps not in authoritarian states.

There are two dimensions that we should consider per this desideratum. Firstly, does the account provide the right reasons for which individuals are responsible? Secondly, does the account assign to individuals the right kind of responsibility?

All three of these other models perform well on the first front. Yet Lawford-Smith's view remains firmly committed to the notion of culpability – though, as explored extensively in Chapter 3, there are clear limits to adopting culpability as a basis for reparative responsibilities. On the other hand, both Pasternak's and Young's approaches emphasise the forward-looking responsibilities that individuals accrue in virtue of, respectively, their participatory intentions, and their being connected to the structural injustices that occur in their state. Both are promising bedrocks of responsibilities in authoritarian states, yet neither goes far enough in taking seriously the implications of non-compliance or failure to discharge such responsibilities. It remains unclear what the normative bite is to individuals' taking up such forward-looking responsibilities – especially if the failure to discharge comes with no liability to penalty.

What is needed here is a delicate balance – individuals should not be assigned reparative responsibilities that carry with them blame *simpliciter*. Yet concurrently, for individuals who intentionally and repeatedly refuse to take up their responsibilities, there should be a mechanism by which others can enforce and hold them responsible for their refusal – that gives the account teeth. The CAM's view of

responsibility implies that individuals who fail to discharge their forward-looking reparative responsibilities, and who cannot be excused or exempted, can come to be *criticised* by others (in the same way as the dualist structural injustice account proposes) for their omission. This, in turn, would give rise to a degree of liability to costs, as part of the criticism process, directed towards those who are non-compliant.

This principle crucially reflects our intuitions that those who do not take up reparative responsibilities *are* behaving in a faulty manner that merits more scrutiny than is perchance offered by Pasternak's view. Having a range of types of responsibilities – forward-looking for authorising agents, criticism-attached liabilities for authorising agents who fail to discharge their responsibilities – thus allows for a more fine-grained approach to reparative justice. Coupled with the previous discussion on costliness, the CAM is indeed capable of accounting for concerns of over-demandingness and asking too much of individual agents.

### *Practical Efficacy*

The final desideratum of comparison revolves around practical efficacy. Does the proposed account succeed in addressing the outstanding burdens of injustices to be redressed? How feasible and costly for the individual agent will the CAM's prescriptions in fact be? Independent of whether individuals should in fact be deemed responsible, there exists the further concern that even in the aftermath of identifying tentatively the individuals who should be responsible, we fall well short of the collective effort and mobilisation required to redress past injustices.

Most of the alternatives to CAM surveyed here have much to offer in terms of theoretical prescriptions. Pasternak's non-proportional account cuts through the epistemic and normative barriers of proportional accounts and provides a helpful set of heuristics concerning who should do what, to redress injustices. The dualist structural injustice account draws heavily upon Young's notion of political responsibility in calling for wide-ranging solutions to 'correct' the remainder of responsibilities. The CAM, of course, would posit that the remainder should be taken up by all those who authorise their state in a subjective or objective way (a rather sizeable population), but also, where such responsibilities cannot be adequately discharged, the solution is for all authorising agents to press for improvements to feasibility and possibility sets.

As for the feasibility and costliness of these prescriptions, however, it appears that the CAM is substantially stronger than at least Lawford-Smith's and Young's approaches in authoritarian settings. Lawford-Smith's model places a disproportionate emphasis upon the agency and response by actors within the state apparatus and downplays – perhaps unduly – the room for action and manoeuvring by non-state actors in relation to past injustices. On the other hand, Young's structural injustice approach tends to home in on the significance of pressing for radical structural overhaul through a combination of bottom-up, grassroots activism, deliberative democracy, and political speech and agitation.<sup>17</sup> Such forms of transformative change, whilst certainly bold and noble, may be less effective in

authoritarian states – especially ones backed by a strong military or dominant party-state – where repression and alienation run rampant; where coordination between opposition dissidents tends to be logistically and informationally difficult. In these contexts, more strategic engagement, liaison, and collaboration with actors of authority – which could well be morally murky – may well be practically necessary. Complicity could be an instrumental prerequisite for fostering change from within – or at least in ways that are compatible with the regime's core interests.

Both CAM and Pasternak's accounts provide prescriptions concerning how state-perpetrated injustices ought to be redressed by their citizens in authoritarian states. The former points to practical prescriptions concerning individual citizen action; the latter focuses more heavily on the ethics of international engagement and interaction with said states, but also the internal pressures and domestic processes within such states on a collective-societal level. Whilst all four surveyed accounts have distinct merits, the CAM contextually outperforms the others in authoritarian settings. Adopting a synthesis of these approaches is more constructive path than holding any of these accounts as necessary and sufficient as a theory of RJAS.

### **Looking Towards the Future**

From pillaging and looting to war, from persecution of ethnic minorities to kleptocratic rule, authoritarian states have been involved in many of the most egregious episodes of injustices in contemporary human history. Yet authoritarian states are ubiquitous and ruled by governments that are – in some instances – no less robust and enduring than their democratic counterparts. To grant that we must work with the given fact of authoritarian states to accomplish reparative justice is not sweeping defeatism, but pragmatic realism.

It is high time for political theorists to take seriously authoritarian states – not just in the context of pontifying over their purportedly inevitable democratic transition and rollback, or their structural features and internal logics. What is needed here is the fundamental cognisance of both the resilience and the intricacies of governance of some of these states, as well as the fragility and incoherence undergirding others. Such acknowledgement should, in turn, come with careful reflections upon how individual citizens residing under such states ought to act in the face of state-perpetrated injustices – especially as authorisers of state actions.

This book was written with the intention of dismantling two fundamentally flawed misconceptions about reparative justice in authoritarian states – the first, is that agents residing in authoritarian states have no capacity or responsibilities whatsoever to bring about reparative changes; the second, is that the individual circumstances, intentions, values, and preferences of agents do not matter in terms of what responsibilities, if any, they bear for their states' actions. The refutation of these insights can, of course, shed light on reparative justice in democracies – after all, the concept of authorisation is most certainly germane in those contexts, too.

Yet it is specifically in authoritarian contexts that the CAM offers a compelling view concerning how responsibilities to redress state-perpetrated injustices can be attributed and justified – one that is superior to alternatives, including revised versions of accounts that can be otherwise broadly applied to democracies. Establishing the CAM is, in fact, a first step on our long journey of exploring how reparative justice ought to proceed under proverbially *non-ideal* circumstances in Western analytic political philosophy, as well as delineating a part of the complete set of political and moral responsibilities borne by those who are citizens in authoritarian states. When it comes to MDAS with moderately high levels of popular support, a relatively decentralised public discursive space where not all information is processed and managed by the government, and relatively low levels of repression, it is evident that there exist a reasonable number of subjective and objective authorisers who should be rightfully tasked with the responsibility to repair the injustices perpetrated by their states.

To live, to breathe, and to act in accordance with what is right; to do right by those who are owed it; to right past wrongs and prevent future injustices is by no means easy. This is especially the case when it comes to life in authoritarian states. There is much to learn, to contemplate, and that merits nuanced rethinking, in regimes extending beyond the highly idealised subset of robust, stable liberal democracies, which many take for granted as starting points for their theoretical research.

Indeed, there is every reason to think that the real world – in terms of both theory and praxis – is bigger than the bubble that we have focussed on for so long. *Our* world deserves better than that.

## Notes

- 1 See David Lefkowitz, “On a Moral Right to Civil Disobedience,” *Ethics* 117 (2007): 202–223 and Kimberley Brownlee, “Penalizing Public Disobedience,” *Ethics* 118 (2008): 711–716 for a more detailed discussion of the difference between penalty and punishment.
- 2 ICISS, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (IDRC, 2001). <https://www.globalr2p.org/resources/the-responsibility-to-protect-report-of-the-international-commission-on-intervention-and-state-sovereignty-2001/>.
- 3 Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York City: Basic Books, 1977).
- 4 See just war literature concerning *jus ad bellum* and humanitarian interventions, as raised by Allen Buchanan, “Humanitarian Intervention,” in *Ethics and the Contemporary World*, ed. David Edmond (New York: Routledge, 2019); David Chandler, *From Kosovo to Kabul and Beyond: Human Rights and International Intervention* (London: Pluto Press, 2006); Aidan Hehir, “The Responsibility to Protect and International Law,” in *Critical Perspectives on the Responsibility to Protect: Interrogating Theory, Practice*, ed. Philip Cunliffe (New York: Taylor and Francis, 2011).
- 5 Zofia Stemplowska, “Doing More Than One’s Fair Share,” *Critical Review of International Social and Political Philosophy* 19, no. 5 (2016): 591–608.
- 6 David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).

- 7 Christine Chinkin, "Rethinking Legality/Legitimacy after the Iraq War," in *Legality and Legitimacy in Global Affairs*, eds. Richard Falk, Mark Juergensmyer, and Vesselin Popovski (Oxford: Oxford University Press, 2012).
- 8 Robert Pape, "Why Economic Sanctions Do Not Work," *International Security* 22, no. 2 (1997): 90–136.
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- 10 Karrie Koesel, Valerie Bunsel, and Jessica Chen Weiss, eds., *Citizens and the State in Authoritarian Regimes* (Oxford: Oxford University Press, 2020).
- 11 John R. Crook, "The United Nations Compensation Commission – A New Structure to Enforce State Responsibility," *The American Journal of International Law* 87, no. 1 (1993): 144–157.
- 12 Holly Lawford-Smith, *Not in Their Name: Are Citizens Culpable for Their States' Actions* (Oxford: Oxford University Press, 2019).
- 13 Avia Pasternak, *Responsible Citizens, Irresponsible States* (Oxford: Oxford University Press, 2021).
- 14 Iris Marion Young, *Responsibility for Justice* (Oxford: Oxford University Press, 2011).
- 15 Pasternak, *Responsible Citizens*, pp. 134–145.
- 16 Iris Marion Young, "Katrina: Too Much Blame, Not Enough Responsibility," *Dissent* 53, no. 1 (2006): 41–46.
- 17 Young, *Responsibility*.

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