

Political Obligations in Non-Democracies: A Natural Duty Account
of the Obligation to Resist

Jinyu Sun
September 13, 2019

A dissertation submitted in partial fulfilment of the requirements for the degree of Doctor of
Philosophy of University College London

Declaration

I, Jinyu Sun, confirm that the work presented in this thesis is my own. Where information has derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

Traditional discussions on political obligations revolve around the moral obligation to obey the law. Given this focus, these discussions pay more attention to democratic states, for it is commonly assumed that democracy is a necessary condition for a legitimate authority that has the right to citizens' obedience.

These discussions thus neglect the situation in non-democratic states. My project aims to begin to fill in this lacuna. Drawing on Anna Stilz's natural duty theory of political obligations in democratic states, I argue that the natural duty of justice can also ground non-democratic citizens' political obligations, especially the obligation to resist injustice. Natural duty theories face the notorious 'particularity problem', according to which general natural duties alone cannot generate the special obligations owed to one's fellow citizens. Stilz responds to this challenge by appealing to the idea of collective action: democratic citizens are acting together in their own state and their obedience regularly affects the rights of their fellow citizens. Therefore, their pre-existing natural duty of justice binds them to continue to contribute to their own state.

Building on this argument, I argue that in a non-democratic context, citizens are complicit in maintaining the non-democratic order. The natural duty of justice requires individuals to help the establishment of just and democratic institutions. Citizens' complicity makes resistance to injustice in their own non-democratic state especially relevant for them. In other words, complicity 'particularises' citizens' natural duty of justice and transforms it into special obligations, including the political obligation to resist injustice.

It is also important to recognise the diversity of non-democratic regimes. Different regime characters may affect whether or not citizens have a political obligation to resist. Therefore, I also offer a regime-type-based analysis of citizens' political obligation to resist. I conclude that only citizens in hard-core authoritarian regimes do not have the obligation to resist.

Impact Statement

This research project explores the problem of political obligations in non-democratic states. I propose a natural duty account of political obligations that grounds the obligation to resist injustice. This natural duty account suggests that non-democratic citizens' political obligation to resist is based on their natural duty of justice to bring about just institutions and is 'particularised' by their complicity in their state.

Although there is a rich literature on political obligations, theorists have largely focused on situations in democratic states and the obligation to obey the law. My research contributes to the current literature by, first of all, paying more attention to non-democratic states. Particularly, the project takes the differences between different types of non-democratic states seriously. By combining findings in comparative politics studies and political theory, it provides a regime-type-based analysis of citizens' political obligations, which is a new approach to explore citizens' political obligations.

Secondly, this account challenges the traditional discourse in the current literature on political obligations and broadens our understanding of the concept. It incorporates recent critiques to the narrow understanding of the concept and deepens the critiques by offering a systemic analysis of the political nature of political obligations. Besides, the project further develops the arguments for the duty to resist injustice by considering citizens' different types of complicity. It suggests that the types of complicity do not dissolve citizens' special relationship with the injustice in their own state, but they still affect citizens' moral responsibilities for injustice in the state.

Besides contributing to the scholarly debate, the research project also helps reshape public opinions. Ordinary people often think that non-democratic citizens, as subjects of a repressing political order, have no special obligation to resist injustice. Resistance is heroic but not obligatory. Resistance seems to be an avoidable matter of our age. Democracy is in retreat, and non-democracies continue to consolidate the authoritarian power and tighten the screws on media, civil society, and social movements. In such an age, can we, as citizens, simply live our

own lives without worrying about the complicated politics? The project gives a negative answer to the question and encourages ordinary people to take their obligations seriously.

Contents

Introduction	9
Chapter 1 The Natural Duty Account: Justice and the State	26
1. The Natural Duty Account as a Potential Framework.....	28
2. The Natural Duty of Justice and the ‘Particularity Problem’.....	38
2.1 From Interpersonal Duties to Institutional Duties.....	39
2.2 The ‘Particularity Problem’.....	45
2.3 A Version of Associative Account?.....	51
3. Hypothesis: Non-Democracy as Collective Action.....	54
Chapter 2 What is Political about Political Obligations?	59
1. Political Obligation or Political Obligations?.....	61
1.1 Challenging the “Misconceived Discourse”.....	62
1.2 What is Political about Political Obligations?.....	64
2. An Expansive List of Political Obligations.....	67
2.1 The Obligation to Participate in Politics.....	68
2.2 The Obligation to Resist Injustice.....	70
3. Moral Responsibility, Remedial Responsibility and Political Obligations.....	74
3.1 Two Usages of ‘Responsibility’ and Forward-Looking Responsibility.....	75
3.2 Political Obligations as a Type of Forward-Looking Responsibility.....	77
Chapter 3 A Typology of Non-Democratic Regimes	79
1. Critiques to the One-Dimensional Approach.....	80
2. A Comparison between Merkel, Møller and Skaaning, and Wigell.....	82
2.1 Merkel’s Typology.....	83
2.2 Møller and Skaaning’s Critique to and Revision to Merkel’s Typology.....	84
2.3 Wigell’s Typology.....	88
3. Four Subtypes of Non-Democracies.....	96
3.1 Decent Regimes.....	97
3.2 Populist Regimes.....	99
3.3 Soft Authoritarian Regimes and Hard-Core Authoritarian Regimes.....	101
Chapter 4 Complicity in Non-Democratic States: A Participatory Account	104
1. The Participatory Account of Complicity and Its Opponents.....	105
1.1 Participatory Intention, Complicity and Moral Accountability.....	106
1.2 Contribution, Knowledge and Complicity.....	110
2. Defending the Participatory Account.....	114
2.1 Non-Causal Participation.....	114
2.2 The Ambiguity of ‘Others’ Wrongdoing’ Standard.....	116

2.3 Misinterpretations on Participatory Intention.....	119
2.4 A Refined Participatory Account of Complicity.....	123
3. Application to Non-Democratic States and the Difficulties.....	127
Chapter 5 The Natural Duty of Justice and Citizens' Complicity: Types of Complicity.	135
1. The Role of Complicity.....	136
1.1 The Participatory View.....	139
1.2 Remedial Responsibility vs. Political Obligations.....	139
2. The Natural Duty of Justice, Complicity and Political Obligations.....	143
2.1 From Democracy to Non-Democracy.....	143
2.2 Complicity and Particularisation.....	146
3. Different Types of Citizens and the Ways They Contribute to the Non-Democratic Order.....	148
3.1 Revisiting the Participatory view.....	149
3.2 Citizens as Co-Principals.....	151
3.3 Indifferent Citizens.....	152
3.4 Dissenting Citizens.....	154
Chapter 6 The Natural Duty of Justice and Citizens' Complicity: Types of Regimes...	158
1. State Coercion and Manipulation.....	159
1.1 The Involuntary Institution Objection.....	159
1.2 The Unreasonable Cost Objection.....	161
1.3 The Repression Objection.....	162
1.4 The Manipulation Objection.....	163
2. A Regime-Type-Based Analysis.....	165
2.1 Decent Regimes: Southland.....	166
2.2 Populist Regimes: Northland.....	167
2.3 Authoritarian Regimes: Midland and Eastland.....	169
Conclusion.....	176

List of Tables

Chapter 3

1. Descending the Ladder of Abstraction to Construct Types of Democracy.....87
2. Political Regime Trajectories.....89
3. A Two-Dimensional Regime Typology.....91

Chapter 4

1. Different Types of Participatory Intention.....127

Introduction

A Political Obligation to Resist Injustice?

In March 2014, a group of young students occupied the Legislative Yuan of Taiwan to protest against the passing of a service and trade agreement with mainland China without a due process at the legislature. The protest movement, which was known as the Sunflower Student Movement later, finally upgraded into an occupation of both the Legislative Yuan and the Executive Yuan. At first, the students and other participants of the protest demanded a clause-by-clause review of the service and trade agreement. Later as the movement became more radical, the protesters, represented by one of the student leaders, Lin Fei-fan, laid out some additional demands, including withdrawal the ratification of the trade pact, legislation that guarantees closer monitoring of other agreements with mainland China, and summoning of a national affairs conference to address the political crisis.¹

The action of the student activists drew wide support in Taiwan. Nine days after the protest movement started, Lin, the student leader mentioned above, called for a rally filling the Ketagalan Boulevard, which connected the Presidential Office and the Legislative Yuan, to press President Ma Ying-jeou to respond to the protesters' demands. It was one of the largest rallies in recent years in Taiwan; the police estimated that 116,000 citizens participated.²

¹ For a detailed report of the demands of the protesters, see "Protesters Layout Demands, Vow to Continue Occupation of Legislature | Politics | FOCUS TAIWAN - CNA ENGLISH NEWS," accessed September 12, 2019, <http://focustaiwan.tw/news/aip/201403230011.aspx>.

² "Over 100,000 Protest in Taiwan over China Trade Deal," *Reuters*, March 30, 2014, <https://www.reuters.com/article/us-taiwan-protests-idUSBREA2T07H20140330>.

As Cindy Sui from BBC Taipei commented, the unprecedented protest “could mean a further democratisation of Taiwan, with additional safeguards to let the people, not any political party, decide the fate of the island.”³ But what is more noteworthy is that the activists, especially the young students, are not only reclaiming their democratic rights of being heard and respected by the state. Many of them thought that they were fulfilling a moral duty to resist the injustice, both in the legislation process and the trade pact itself. When the protesters occupied the Legislative Yuan, a student painted a well-known quotation from *Night Train to Lisbon* on the wall: “When dictatorship is a fact, revolution becomes a duty”.⁴

Shane Lee, a political science professor at Chang Jung Christian University, also found this duty-driven motivation underlying the protest. He thought that the students tried to convey a message to their worrying parents who once lived under the White Terror and tended to remain silent on politics: “because you were so afraid of politics that’s why you have suffered what you have suffered. Because we know what’s going on, we take matter into our own hands.”⁵ The message they tried to convey criticised political apathy and called for resistance.

Taiwan in 2014 was not a dictatorship as it used to be during the White Terror period. The first direct presidential election in 1996 marked Taiwan’s transformation from a one-party ruled autocracy to a full-fledged democracy. In 2014, according to Freedom House, Taiwan was rated as a free state with a score of 1.5 (1=best, 7=worst).⁶ Most liberal democracies are western states, but Taiwan is clearly among the exceptions. The Sunflower Student Movement still took place in a democratic society, and their action was not as radical as a revolution. But there is

³ “What Unprecedented Protest Means for Taiwan - BBC News,” accessed August 1, 2019, <https://www.bbc.co.uk/news/world-asia-26743794>.

⁴ “當獨裁成為事實，革命就是義務 - 维基百科，自由的百科全书,” accessed August 1, 2019, <https://zh.wikipedia.org/wiki/%E7%95%B6%E7%8D%A8%E8%A3%81%E6%88%90%E7%82%BA%E4%BA%8B%E5%AF%A6%EF%BC%8C%E9%9D%A9%E5%91%BD%E5%B0%B1%E6%98%AF%E7%BE%A9%E5%8B%99>.

⁵ “What Unprecedented Protest Means for Taiwan - BBC News.”

⁶ “Taiwan | Freedom House,” accessed August 1, 2019, <https://freedomhouse.org/report/freedom-world/2014/taiwan>.

something intuitively appealing in the quotation. Grave injustice might trigger a moral duty to resist injustice. When activists tried to justify their occupation, they appealed to the duty to resist rather than their right to resist. From the perspective of the students, their resistance was not only permissible but also morally required. Despite the exaggeration in the quotation, in a democracy like Taiwan, do citizens have a moral duty to resist injustice?

It is activists, not political theorists, who embrace the duty-centred discourse. Candice Delmas has made a good summary of why and how activists, including Henry David Thoreau, Mohandas K. Gandhi, Martin Luther King Jr., and many other contemporary activists, conceive of resistance as citizens' moral duty.⁷ Like the young activists in Taiwan, they try to persuade the public not only to understand and accept their reasons for resistance but also to support and join the resistance. They call for citizens to act together, to collectively address the injustice perpetuated in their own community or imposed on members from other communities.

What does political theory tell us about these common intuitions? Unfortunately, not much. Justification for a duty to resist might be found in natural duty theories. As John Rawls argues, we have a natural duty of justice “to support and to comply with just institutions that exist and apply to us” and “to further just arrangements not yet established, at least when this can be done without too much cost to ourselves.”⁸ The natural duty of justice has two parts, and the second half tells us what we should do when justice or just institutions are absent. Resistance to injustice is one way to have justice done and just institutions established. However, even in Rawls, who pays some attention to the issue, it is not discussed in length.

⁷ Candice Delmas, *A Duty to Resist: When Disobedience Should Be Uncivil* (Oxford University Press, 2018), pp. 5-8.

⁸ John Rawls, *A Theory of Justice* (Harvard University Press, 2009), p. 99.

Most theorists, including Rawls, elaborate an argument for a moral duty to obey the law on the first half of the natural duty of justice. This duty to obey the law, according to a traditional understanding, is used interchangeably with the term 'political obligation'. The mainstream discourse in theories of political obligation neglects the moral imperative of resistance in the face of injustice. It is assumed that in a liberal democratic society like Taiwan, we can find normative grounds for citizens' political obligation to obey the law, even if some laws are thought to be unjust. To respond to injustice, citizens should exercise their democratic rights of legal protests and political participation. All in all, injustice in a democratic society should be redressed through the established democratic mechanism. Civil disobedience, which fits the classical Rawlsian conception, is merely a special case that needs stringent justification in a nearly just society;⁹ and uncivil resistance is even less tolerated. Under this obedience-centred discourse, little attention is paid to a political obligation to resist injustice in non-ideal situations.

A similar problem appears in theories that reject the duty to obey the law. Philosophical anarchists challenge all mainstream theories arguing for the political obligation to obey the law; they contend that even in a liberal democratic state, the political obligation to obey the law cannot obtain. However, philosophical anarchism leaves it open whether citizens have other political obligations, such as the obligation to resist injustice. After all, it is 'philosophical' in the sense that "it focuses on anarchism as a theoretical idea and not as a form of political activism".¹⁰ Its critique and objection to the most prevalent accounts of political obligations—consent theories, membership theories, fair play theories and the natural duty theories—remain merely theoretical and toothless, which in fact serves the status quo.¹¹

⁹ Ibid., p. 319.

¹⁰ Andrew Fiala, "Anarchism", *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/spr2018/entries/anarchism/>>.

¹¹ Ibid.

However, there are still a few exceptions that are noteworthy in literature. Anna Stilz, a natural duty theorist who argues for a political obligation to obey the law in a democracy, also defends citizens' responsibility to redress injustice, although she mainly considers active involvement in the democratic process as the major way to do this.¹² David Lyons, on the ground of fairness and the natural duty of justice, explicitly argues for a political responsibility to resist injustice in the face of social wrongs by disobeying the law.¹³ Particularly, Lyons emphasises the two-sidedness of the natural duty of justice. "It explicitly requires us to promote just institutions...and to address social injustice. How one should do so depends, of course, on circumstances; but it seems clear that the duty of justice can call for resistance rather than conformity."¹⁴ Finally, Candice Delmas offers a systemic defence for a political obligation to resist injustice and argues that this duty to resist can be defended by using the arguments for the obligation to obey, including the natural duty of justice argument.¹⁵

These theorists have made important contributions to our understanding of the duty to resist, especially from within the Rawlsian natural duty framework. But they have an important limitation: they do not pay much attention to the problem of political obligations in non-democratic states. Stilz's natural duty theory only applies to democratic states. Lyons and Delmas, though considering situations in both democracies and non-democracies, are more concerned about the depth and width of injustice than regime characters. Serious injustices may happen in both democratic states and non-democratic ones, and as I read Lyons and Delmas, their focus is on injustice itself but not circumstances where injustice and resistance take place. In my view, however, regime characters, including what political rights and civil liberties

¹² Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Princeton University Press, 2009), pp. 201-2.

¹³ David Lyons, *Confronting Injustice: Moral History and Political Theory* (OUP Oxford, 2013), p. 149; p. 153; p. 160.

¹⁴ *Ibid.*, pp. 159-60.

¹⁵ Candice Delmas, *A Duty to Resist: When Disobedience Should Be Uncivil* (Oxford University Press, 2018), p. 5.

citizens have, how political power is supervised and whether the rule of law is respected, might affect whether non-democratic citizens can acquire the political obligation to resist. We need to consider regime characters.

Furthermore, both Lyons and Delmas do not sufficiently address the particularity requirement of citizens' political obligations. Namely, political obligations are *particularly* owed to one's fellow citizens. Delmas even argues for transnational duties to resist owed to non-citizens.¹⁶ Theorists who take the particularity requirement seriously may find it difficult to accept Delmas's argument for transnational duties.¹⁷ An argument for the political obligation to resist injustice also needs to explain the particularity of the obligation. From the natural duty to resist injustice to the political obligation to resist injustice, there is still a gap to fill.

Given the two lacunas identified above, I aim to continue with this survey of the political obligation to resist injustice within the natural duty of justice framework, to see what natural duty theories can tell us about situations in non-democratic states. My basic strategy in this project is to apply the natural duty of justice theories to the context of non-democracies. But this switch of the context is not as easy as it appears to be. Let me now explain what new questions may arise when we move to non-democracies.

Non-Democratic Contexts

¹⁶ Ibid., p. 166.

¹⁷ Elsewhere, I have argued that Delmas's negligence of the particularity requirement for the political obligation to resist injustice puts the concept of political obligations at the risk of collapsing. See Jinyu Sun, "A Duty to Resist: When Disobedience Should Be Uncivil" Candice Delmas, 2018 New York: Oxford University Press ix + 295 Pp, £19.99 (Hb)," *Journal of Applied Philosophy* 36, no. 4 (2019): 691–93, pp. 692-3.

Democratic states have long been at the centre of the discussion on political obligation, whereas non-democratic states remain in the shadow. As mentioned above, the traditional understanding of political obligations is obedience-centred. A central task for political theorists is to find out the proper threshold to generate the obligation to obey; and no matter how theorists specify these thresholds, it seems that a state in which the political obligation can be generated is necessarily a democratic one.¹⁸ The problem of political obligation—narrowly understood as the obligation to obey—is thus simplified as an exclusive problem in democratic states. When a political obligation to obey the law cannot obtain when the state under consideration is a non-democratic one, theorists seem to assume that this is the end of their survey. However, this is not because they have concluded that non-democratic citizens have no political obligations at all, but because they simply leave the situations in non-democratic state inadequately analysed.

Developing a broader understanding of the concept of political obligations is helpful but cannot fully address our concern for non-democratic citizens. We should remain alert about the following oversimplification of the problem: if democratic citizens have a political obligation to resist injustice albeit their obligation to obey the law, non-democratic citizens' obligation to resist injustice is even easier to be defended because they are not bound by the duty to obey.

My emphasis in this project is that we have some different considerations when thinking about the problem of political obligations in non-democratic states. In a non-democratic context, we

¹⁸ For example, George Klosko's discussion of tolerably fair procedures. As he explains, a core aspect of such procedures is democracy, as "important components of fairness theory include.....equal political rights for all citizens"; Similarly, Stilz argues that the law should define the rights of citizens "via a procedure that considers everyone's interests equally" and "everyone who is coerced to obey the law has a voice in the procedure" and these two conditions can only be satisfied by democratic institutions. See *Liberal Loyalty*, p. 78; Thomas Christiano argues that our duty to obey the law comes from the natural duty we have to treat others as equals publicly, and democracy is the unique embodiment of such political equality. This argument does not only justify the authority of a democratic state but also demonstrates that only a democratic state can justifiably require obedience from citizens. Thomas Christiano, "The Authority of Democracy," *Journal of Political Philosophy* 12, no. 3 (2004): 266–290, p. 249.

confront more diverse regime characters and another set of objections than those in a democratic context. Let me illustrate this point through the following example.

The Umbrella Movement. A few months after the Sunflower Student Movement, the Umbrella Movement broke out in Hong Kong to protest against Beijing's decision to rule out genuine universal suffrage.¹⁹ The activists took the Rawlsian ideal of civil disobedience as their model, adhering to the non-violent principle, communicating with the public and trying to minimise the inconvenience they caused to ordinary citizens. The Umbrella Movement has been taken as a similar case with the Sunflower Student Movement. The two political movements do share something in common. For example, young students played active and important roles in both movements; participants of both movements were committed to non-violent principles, though limited violence occurred on some occasions; Taiwan and Hong Kong are societies that respect the rule of law and civil liberties. Intuitively, it seems that if citizens in Taiwan have a moral duty to resist injustice, citizens in Hong Kong also have this duty on the similar normative ground.

However, it is noteworthy that unlike Taiwan, Hong Kong is a non-democratic society. What Hong Kong citizens struggled for in the Umbrella Movement is genuine universal suffrage, a basic and necessary condition for democracy. Does the fact that Hong Kong being a non-democracy affect the citizens' duty to resist injustice?

I think the intuition is that the fact is not a special obstacle for generating a duty to resist injustice for Hong Kong citizens (if we recognise that such a duty exists in a democracy). However, what if the resistance happened in other non-democracies? Hong Kong is a special

¹⁹ Stephan Ortmann, "The Umbrella Movement and Hong Kong's Protracted Democratization Process," *Asian Affairs* 46, no. 1 (January 2, 2015): 32–50.

case that is not very representative. For citizens who lived in Nazi Germany and Taiwan under the White Terror, did they have a political obligation to resist injustice? What about citizens today living in China, Russia, Turkey and North Korea?

These questions are not easy to answer. But let me first anticipate a simple view on these matters. First, some people might think that state coercion and political manipulation in non-democracies seriously weaken the claim that non-democratic citizens have a duty to resist. State coercion inflicts a high cost on political dissent, and therefore on many occasions, resistance is an overdemanding moral requirement. Furthermore, it seems that coercion in a non-democratic state constructs a very different citizen-state relationship than that relationship in a democratic state. Non-democratic citizens are more like victims, hostages, or even the tools of the non-democratic state. They are not co-authors of the law of their state; they neither authorise the law of the state in any formal sense. Hence, it seems understandable that non-democratic citizens do not see the state as 'theirs' and simply stand by with a cold eye. Besides, political manipulation deeply impacts the political attitudes of non-democratic citizens. For many ordinary citizens, they are immersed in an environment filled with intensive political education, propaganda and even brain-washing techniques. Censorship and block of information deprive them of the opportunities of critical and independent thinking. They are manipulated to be patriots, supporters of the non-democratic regime or loyal followers of the supreme leader; they are captured by a pro-regime discourse. In a non-democracy, it seems that such political attitudes are understandable as well. Those citizens with a sober mind and persistent pursuit of reforms of the unjust institutions should be regarded as heroes and exceptions of the dark time, rather than models that ordinary citizens should live up to.

My goal in the next pages is to show that this is an oversimplified description of state coercion and political manipulation in non-democracies. Therefore, we should reject it. Consider first the issue of state coercion and manipulation. We will not take the description above as an accurate one for Hong Kong, for example. State coercion and manipulation are among our considerations when we approach the problem of political obligations in non-democratic regimes. However, under the same label of 'non-democracy', there can be significant differences between different non-democratic regimes, which might reshape their obligation to resist. Therefore, instead of taking non-democracy as one type of political regime, we should have a more detailed analysis of non-democracy.

Consider next the issue of non-democratic citizens' actions and political attitudes. These too vary from one to another. Some citizens remain silent on public affairs and try to stay away from politics. They might think that politics are dangerous, unpredictable, complicated or irrelevant to them. They do not necessarily belong to any privileged groups in a non-democracy who may benefit from the regime, but they think the wisdom of life is to focus on their private circle and their families. Resistance is simply counter-productive and meaningless. Also, some citizens might feel alienated as they are not respected by the state and they do not have a voice on public affairs. This feeling of alienation is also among the reasons for political apathy; after all, they are not treated as equal citizens in the first place.

Still, in all non-democracies, some citizens do care about politics. Some of them keep working to reform unjust terms and institutions of their non-democratic state. Many of them conceive of their efforts as the fulfilment of their duty as citizens. They believe that as citizens they should not hand over their state to the hands of populist leaders, corrupted politicians or dictators; they believe that they should stand out and speak out for themselves and their fellow

citizens who suffer from injustice; and they believe by acting together, they can make a difference to the status quo. Nevertheless, not all citizens who are concerned about the justice of their political community are activists. They might be pessimistic about reforms. However, they keep critically reflecting on the environment in which they live and keep thinking about how to live a moral life in a non-democracy. For example, they seek the truth behind political propaganda, they keep a record of injustice perpetrated in the state, they educate their children to be independent thinkers, they help those victims of injustice in person and they avoid offering explicit support to the regime, such as joining the ruling party. They take their moral integrity seriously, and we may find many of their actions praiseworthy and even heroic. However, unlike the activists, these citizens are more reluctant to bring their dissent to the public.

Finally, there are citizens supporting the non-democratic regime. They either sincerely believe that such institutional arrangements are a superior option, or they believe that they can benefit themselves by supporting the regime. Jiayang Fan, in an article published on the New Yorker on basis of an interview of a leading Chinese sci-fi writer, recorded Liu's view on the non-democratic regime of China:

"Liu explained to me, the existing regime made the most sense for today's China because to change it would be to invite chaos. 'If China were to transform into a democracy, it would be hell on earth,' he said. 'I would evacuate tomorrow, to the United States or Europe or—I don't know.'"²⁰

²⁰ Jiayang Fan, "Liu Cixin's War of the Worlds," June 17, 2019, <https://www.newyorker.com/magazine/2019/06/24/liu-cixins-war-of-the-worlds>.

Liu's identity as a celebrity does not seem to be relevant for having such a political attitude. Ordinary citizens can agree with him as well. They are not necessarily involved directly in the injustice, but sometimes some citizens do make some specific contribution to injustice. For example, in East Germany, many ordinary people acted as informers, also known as the "informal collaborators", for the secret police. They turned in their neighbours, friends and acquaintances by secretly collecting and delivering information about their behaviours to Stasi. This network of secret informers served as an important tool of surveillance, repression and persecution, and thereby helping to maintain the one-party dictatorship. Many tragedies and harms can be directly traced back to an informer's report.

This brief investigation of citizens' different political attitudes demonstrates that the simple view is wrongheaded in treating non-democratic citizens simply as victims or tools. Apart from regime characters, an account of political obligations in non-democratic states should also consider this diversity of citizens' political attitudes and modes of actions. When we have such consideration, we also reject the conclusion of the simple view that non-democratic citizens have no obligation to resist injustice because they have reasons not to take the state as *theirs* or because manipulation makes them incapable of independent thinking.

So far, we can have a list of questions that we need to address when exploring non-democratic citizens' political obligation to resist injustice, and these questions are the ones I will set to answer in this project:

(1) Can we have a broader understanding of the concept of political obligations which supports an obligation to resist injustice?

(2) How can the natural duty of justice ground non-democratic citizens' political obligations, especially the obligation to resist injustice?

(3) Why is the obligation to resist injustice is owed particularly to ones' fellow citizens?

(4) How should we classify non-democracies to have a regime-type-based analysis of non-democratic citizens' political obligations?

(5) Do citizens' different political attitudes, modes of actions, relations with injustice and their complicity in non-democratic states affect their political obligation to resist injustice?

(6) How do state coercion and manipulation in different types of non-democracies affect citizens' political obligation to resist injustice?

A Sketch of the Argument

To answer question (1), I carry out a conceptual analysis of the concept of political obligations. The key to this analysis is to explore the 'political' nature of political obligations. Once we know what is political about political obligations, we can have a more extensive list of obligations, which includes the obligation to participate in politics and the obligation to resist injustice. We will also understand that political obligations should be discharged by acting together with our fellow citizens.

In answering question (2), I will use Stilz's natural duty account of political obligations as the starting point. As I will explain in chapter 1, I think this account is the most plausible to be

applied to a non-democratic context. Stilz's natural duty account consists of two parts. The first part defends a moral duty to step into a just state by appealing to the value of equal freedom, and the second part explains why this universal liberal value can ground special political obligations and solidarity with one's compatriots.²¹ The key of Stilz's defence of the particularity of the natural-duty-based political obligations is to regard democracy as collective action that is created by the shared intentions of its citizens; because of this democratic 'we', citizens' general commitment to justice is particularised into solidarity with their compatriots and allegiance to their own democratic state.²²

In this research project, I use Stilz's defence for the duty to enter a just state, but my theory of non-democratic citizens' political obligations needs a different strategy to respond to question (3), namely, the particularity requirement. Here I argue that collective action theories are still helpful here. Drawing on Christopher Kutz's account of collective action and complicity, I show that non-democratic citizens are complicit in the states in different ways as long as they know that their obedience and tax payment contribute to maintaining the non-democratic order. Complicity, according to my definition, is participation in a collective wrongdoing *in light of* the awareness of one's contribution to the wrongdoing. It is complicity that particularises citizens' natural duty of justice into a special obligation to resist injustice.

The complicity argument is not only a response to the particularity requirement. It can also help us to address question (5). By understanding the different ways in which citizens can be complicit in non-democratic states, we have a clearer picture of how citizens, with their different intentions and actions, are connected to the injustice perpetrated in the non-democratic state. This distinction between different types of complicit citizens contributes to

²¹ Stilz, *Liberal Loyalty*, pp. 22-3.

²² *Ibid.*, p. 24

current literature on collective action. Kutz's account of collective action identifies the minimal threshold for collective action, but it does not mention how individuals' participation in collective action differs from one to another above the threshold. The complicity argument looks beyond non-democratic citizens' identity as victims or tools of the state. It highlights a fact in non-democratic states that should be taken seriously: non-democratic citizens, despite the repression they go through, can lend their active or passive support to the non-democratic regime. This fact does not point to citizens' moral flaws but an important feature of non-democratic regimes. Complicity can hardly be avoided; even the most ordinary way of life—obeying the law and paying taxes—can implicate a citizen, who even objects to the unjust laws and policies, in the non-democratic state. Although such situation inevitably gives rise to many difficulties to morally assess citizens in non-democracies, the advantage of the complicity argument is that it can leave aside the controversies regarding praiseworthiness and blameworthiness and justify all citizens' political obligation to resist by establishing a special connection between citizens and injustice perpetrated in their non-democratic state.

As emphasised above, we need to consider different characters of different non-democratic regimes. This research project offers a regime-type-based analysis of citizens' political obligations. Drawing on empirical research in comparative politics, I develop a typology that puts non-democratic states into three categories. I acknowledge that coercion and manipulation in non-democratic states can be potential obstacles for generating the obligation to resist injustice for citizens, but we need to consider the public space and resources of alternative information that a non-democratic state leaves for the citizens, which depends on regime types. I argue that only citizens in what I call "a hard-core authoritarian regime" do not have the political obligation to resist, for the public space where citizens can organise themselves and act together is vacuumed by the coercive order and alternative information is not available for

citizens to critically reflect on their political circumstance. Although the conclusion is that citizens in all other types of non-democracy still have the political obligation to resist injustice, the regime-type-based analysis addresses the diversity of non-democratic regimes, which has not drawn adequate attention in current literature.

The structure of the project is as follows. Chapter 1 explains the reason for choosing the natural duty account as the framework to explore non-democratic citizens' political obligations. I will offer an overview of different natural duty theories and conclude that Stilz offers the most plausible response to the particularity requirement. However, as mentioned, the key idea underlying this response is that citizens are acting together in a democracy, which makes her account difficult to directly fit into the context of non-democracies. I propose a hypothesis that citizens are also acting together by being complicit in a non-democracy. I will briefly discuss the implication of this hypothesis before examining whether it is true or not.

Chapter 2 will offer a critique of the traditional narrow understanding of political obligations, provide a conceptual analysis and defend a list of political obligations which include the obligation to resist injustice and the obligation to participate in politics. The leading question, as indicated above, is what is political about political obligations. Once we understand the political nature of political obligations, we can understand why political obligations need citizens to discharge collectively in the public domain.

Chapter 3 will develop a two-dimensional typology of political regimes based on research in the area of comparative politics. This typology is the foundation for the regime-type-based analysis of citizens' political obligations in non-democratic states. The typology puts political regimes into four categories, three of which are non-democratic. Out of the three categories of

non-democracies, I will outline four subtypes of non-democratic regimes. In Chapter 6, the four subtypes will be analysed one by one.

Chapter 4 will examine the complicity hypothesis. I will defend Kutz's account of complicity and respond to several objections to Kutz's idea of complicity. I argue that this account of complicity can be applied to non-democratic states; when citizens know their obedience and tax payment contribute to maintaining the non-democratic order and they contribute in light of this awareness, they are complicit in their non-democratic state. I further refine Kutz's account of complicity to make a distinction between different types of complicity and different types of citizens. The refinement will help us have a deeper understanding of how citizens are connected with injustice perpetuated in their non-democratic state.

After overviewing the natural duty account in Chapter 1 and vindicating the complicity hypothesis in Chapter 4, Chapter 5 will explain the relation between the natural duty of justice and citizens' complicity in non-democratic states. I argue that the natural duty of justice grounds a moral duty to resist injustice and citizens' complicity particularises the duty into a special political obligation. This chapter will also address objections regarding citizens who are less interested or less willing to contribute to the non-democratic order. Drawing on the analysis of different types of complicity in Chapter 5, I will argue that regardless of the ways citizens are complicit in non-democratic states, the special connection between citizens and injustice can be established and that they all have the political obligation to resist injustice.

Finally, Chapter 6 examines if state coercion and political manipulation in different types of non-democracies affect citizens' political obligation to resist. By using four hypothetical non-democratic states as examples, I aim to give readers more details of non-democratic regimes

without being stuck in the debates regarding the accuracy of real-world examples. I argue that there is only one exception in which citizens have no political obligation to resist. That is the hard-core authoritarian regime.

Chapter 1 The Natural Duty Account: Justice and the State

Introduction

This chapter aims to set up a framework from which we can approach the problem of political obligations in non-democratic states. Since traditional theories of political obligations including arguments from consent, membership, principle of fairness and natural duty have already provided rich discussion on the content, justifications and conditions of political obligations, a sensible way to set up the framework is to figure out whether one or some of the traditional theories is potential to apply to non-democratic states. The second step is to find out the gaps for applying them and offer necessary revisions so that they fit better with the characters of non-democratic states.

In this chapter, I will present and review the arguments from the natural duty account. I argue that the natural duty account is the most promising basis for exploring the political obligations of citizens in non-democracies, precisely because natural duties do not depend on any contingent facts such as voluntary actions, receipt of benefits or cultural identification. Thus, it has the potential to apply to non-democracies, given that natural duties bind every moral person. However, existing natural duty accounts do not adequately investigate their implications for citizens in non-democratic states. Rather, they develop an ideal picture of political obligations in just states, and since democracy plays a unique role in constituting the just state and constructing the relations between citizens, they end up with a discussion that is limited to democracies. To extend the natural duty account to non-democratic states, we need to be sensitive to the non-ideal situations in non-democratic states, the different relations between non-democratic citizens and their state, and new objections arising due to the switch of the context.

Although natural duty theorists defend this account from different perspectives, the opponents offer powerful objections and criticism. It should be noted that the key point of this chapter is not to develop original defences for the account or strengthen the

arguments of its proponents, but to exploit its potential to give meaningful implications for non-democratic states. The question I aim to answer is not whether natural duties sufficiently ground political obligations for citizens in a non-democratic state despite the challenges from philosophical anarchism and other theories of political obligations; rather, the question is if we assume the plausibility of the natural duty account in democratic states, what natural duty of justice will morally require the citizens of a non-democratic state to do.

This does not mean that I will ignore the objections that have been laid against the natural duty account. This chapter will deal with the most serious challenge the natural duty account confronts, namely, the ‘particularity problem’. The problem here is that the conception of political obligations is closely related to the notion of citizenship. It is concerned with the moral requirements that one faces as a citizen who stands in a special relation to her fellow citizens and to the particular political institution she permanently resides in. Thus, any account of political obligations needs not only to provide the grounds for the relevant moral requirements but also to explain why an individual, as a citizen, is morally tied to a particular political community. The natural duty account appears to have difficulties to explain this particularity or the members of this community: many theorists argue, notably A. John Simmons, that the natural duty of justice grounds a duty to support all just institutions in the world instead of the institution of one's own state.¹

Therefore, responses of different theorists to the ‘particularity problem’ are an essential part of their theories, for they ‘particularise’ the natural duties which have a universal scope. More importantly, as I shall demonstrate, these responses expose the different ways in which some natural duty theories cannot account for citizens’ political

¹ A. John Simmons famously argues that answers to the problem of political obligations require ‘particularity’, which explains the “special relationships which bind the individual to one particular set of political institutions, political community, etc.”, *Moral Principles and Political Obligations* (Princeton University Press, 1981), pp. 30-35. For his critique on Rawls's negligence of the particularity requirement, see *Moral Principles and Political Obligations*, pp. 153-6.

obligations in non-democratic states. As we shall see, some responses are specifically tailored for situations in democratic states, which make it difficult to expand their application to non-democracies. On the other hand, some other responses do not base their plausibility exclusively on this context. A natural duty theory of non-democratic citizens' political obligation also needs to explain the special ties between fellow citizens, although these special ties do not necessarily include a duty to support their own state. This latter set of responses pave the way to the discussion in the following chapters, where I elaborate on the argument that explains the particularity of political obligations in non-democratic states.

The chapter is structured as follows. Section 1 gives the reasons to take the natural duty account as the most promising one to apply to non-democratic states by a comparison between several well-known traditional theories of political obligations, including consent theories, membership theories and fair play theories. Section 2 presents the arguments from the natural duty account. I argue that natural duty theorists share a Kantian basis which emphasises that establishing just political institutions is a moral imperative, but they differ from each other in how to 'particularise' this abstract Kantian duty. I conclude that Anna Stilz and Jeremy Waldron provide the most successful version of natural duty theory by highlighting the element of coordination in the natural duty account. In Particular, Stilz develops Waldron's argument by combining the natural duty of justice and collective action theories. By acting together in a democratic state, citizens obtain special obligations based on their natural duty of justice. Section 3 proposes the hypothesis that citizens are also acting collectively in non-democratic states. The validity of this hypothesis is the key for applying Stilz's account to non-democratic states. I will examine the hypothesis in Chapter 4. In this chapter, I only discuss some implications of the hypothesis, which paves the way to the discussion in the following chapters.

1. The Natural Duty Account as a Potential Framework

Each traditional account of political obligations has its proponents and opponents. As stated above, my aim is not to find out the strongest defence for political obligations and apply it to non-democracies. And therefore, I do not examine each account based on their own plausibility. To select the proper account of political obligations, I will mainly use the following criterion: the limits the proponents of the account set for its application. Due to the limitations of space, I shall only focus on key proponents from each view.

The Consent Account

Versions of the consent account vary considerably, but their common ground is that what generates political obligations must be the voluntary actions of citizens. On this view, if citizens have an obligation to obey the law, that is because they voluntarily subject themselves to the authority of their state. Consent can be express or tacit and take various forms such as promises, contracts, and so on. This is an intuitively appealing account and theorists rarely deny that consent cannot ground obligations unless what citizens consent to is to waive their inalienable rights, such as consent to be a slave.²

In most situations, consent is a sufficient condition for obligations, but the challenge this account confronts is to show us how government by consent can be made a reality.³ Even if the consent does not need to be express, there need to be certain voluntary actions of citizens which can be reasonably interpreted as tacit consent. To overcome the challenge, consent theorists develop political procedures through which consent from citizens can be detected. It has been argued that voting or participation in the political process can be such a procedure which implies at least the consent of the participants.⁴ However, endeavours to prove that consent-implicating procedures can be

² Nir Eyal, "Informed Consent", The Stanford Encyclopedia of Philosophy (Fall 2012 Edition), Edward N. Zalta (ed.), URL = <<https://plato.stanford.edu/archives/fall2012/entries/informed-consent/>>.

³ Simmons, *Moral Principles and Political Obligations*, p.100

⁴ John. P. Plamenatz, *Consent, Freedom and Political Obligation* (Oxford University Press, 1939), p. 170.

found in existing states implicitly limit the scope of application of the consent account. Consent-implicating procedures either involve some elements of democracy, such as the voting mechanism just mentioned, or expand the notion of tacit consent too much to take consent as the genuine ground for obligations. For example, Peter Steinberger argues that many everyday activities including calling for police and enjoying public education constitute active participation in the institutions of the state and should count as consent.⁵ However, such an expansive notion of consent does not fit our general understanding of consent. Citizens inevitably accept public services by living in a state, for many public services are non-excludable (e.g., public security) or the benefits provided by the state are so fundamental for the citizens that they have no alternative to turn to if they refuse (e.g., public education). Counting these everyday activities as a sign of consent will make the concept lose its original meaning, for where there is no option of non-consent, consent becomes meaningless. No matter what counts as genuine consent, consent is substantively different from participation.

Consent theories relying on consent-implicating procedures which involve democratic elements are clearly not an option for analysing non-democratic states. Consequently, if we insist on applying the consent account to non-democratic states, we can only end up with a version of consent theory which adopts a confusing or even mistaken notion of consent, such as the one proposed by Steinberger. For the reasons above, I rule out the consent account as a proper framework for my project.

The Membership/Associative Account

According to the membership account, our obligations follow from intrinsically valuable membership in a group.⁶ The advantage over the consent account is that no

⁵ Peter Steinberger, *The Idea of the State* (Cambridge: Cambridge University Press, 2004), pp.219-20

⁶ Political theorists who defend this account include, for example, Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986); John Horton, *Political Obligation* (Macmillan International Higher Education, 2010); Yael Tamir, *Liberal Nationalism* (Princeton University Press, 1995); Andrew Mason, "Special Obligations to Compatriots," *Ethics* 107, no. 3 (April 1, 1997): 427-47.

voluntary actions are required. The proponents of the membership account usually draw on an analogy between political communities and other daily and intrinsically valuable relationships, such as families and friendship.⁷ The analogy reveals an important feature of the membership account. Namely, there is a conceptual connection between obligations and membership. As Ronald Dworkin puts it, “Political association.....is in itself pregnant of obligation”.⁸ No matter it is in the case of families, friendship or political communities, we are born into the valuable relationships and the relationships themselves are constituted by obligations of the group members.

We will immediately recall a familiar objection against the membership account when thinking about applying it to non-democratic states. The objection is about the characters of the group. It is highly sceptical that in unjust, evil or oppressing groups, membership is still sufficient to generate obligations.⁹

The attempts to deal with the objection are helpful to save the membership account but at the same time put limits on its scope of application. For example, Dworkin argues that only true communities generate obligations and the true communities need to meet four conditions.¹⁰ The fourth condition that the group’s practices show equal concern for all members can hardly be satisfied by most non-democratic political communities. For example, lack of universal suffrage makes part of the population have no access to the decision-making procedures of the state, and their opinions and interests are usually not taken into consideration. Another response comes from Michael Hardimon, who argues that obligations deriving from unjust institutions are not real obligations. Role obligations in an institution, according to Hardimon, must be reflectively acceptable to be morally binding.¹¹ Due to the limited space, I cannot give full details of this

⁷ Dworkin, *Law's Empire*, p. 206; Horton, *Political Obligation*, pp.150-1

⁸ Dworkin, *Law's Empire*, p.206

⁹ Dagger, “Membership, Fair Play, and Political Obligation,” *Political Studies*, 48: 104–17 (2000), p.111

¹⁰ Dworkin, *Law's Empire*, pp. 199-200. The four conditions include: 1. The members must regard the group’s obligations as special...2. They must accept that these responsibilities are personal...3. Members must see these responsibilities as following from a more general responsibility each has of concern for the well-being of others in the group...4. Members must suppose that the group’s practices show not only concern but an equal concern for all members.

¹¹ Michael O. Hardimon, “Role Obligations,” *The Journal of Philosophy* 91, no. 7 (1994): 333–363, pp.348-9.

condition of reflective acceptability. However, for Hardimon, justice constitutes an important aspect of this notion, for "role obligations deriving from unjust institutions are void *ab initio*."¹² Most non-democracies fall into the category of unjust institutions, and thus role obligations in these states are not morally binding.¹³

However, it can be argued that although membership in an unjust group cannot ground an obligation to obey its rules, members of the group still have other obligations owed to their fellow members. The content of the obligations is not obedience to the rules but caring and concern for other members. If we understand obligations from membership in this way, it seems that the membership account is suitable for non-democracies and has the virtue to broaden our understanding of political obligations, which is also the aim of this project. But I doubt if it is really *membership* that grounds the obligations. As Dagger points out, in his critique of this line of argument through the example of the Mafia,

“The Mafiosi and villains.....may have obligations to the other members of their associations, but it is not at all clear that those obligations are grounded in membership.[T]he oaths and rituals.....suggest that express consent is a condition of membership..... As for those who are born into..... ‘community of villains’, their putative obligation.....seems to rest on gratitude for the protection and nurture they received.....”¹⁴

Dagger suggests here that in unjust groups, it is not group membership that does the work but other factors, such as consent and gratitude. If these other factors can do all the normative work, then membership is not truly the ground for the obligations a

¹² Hardimon, "Role Obligations," p. 350.

¹³ Horton will disagree that most non-democracies cannot generate political obligation, for the political community only needs to meet the condition of supplying "generic good of order and security". However, his disagreement is not a strong objection to my argument that the membership account is difficult to be applied to non-democratic states. As it is demonstrated above, other membership theorists will raise objections to Horton's condition. In addition, as it is indicated in Introduction, I do not specifically focus on the political obligation to obey in non-democratic states, which, on the other hand, is what Horton aims to explain. See Horton, *Political Obligation*, p. 177; p. 184

¹⁴ Dagger, "Membership, Fair Play, and Political Obligation," p.111

member has.¹⁵

All in all, if a membership theory focuses on the obligation to obey, it is not suitable to be applied to non-democratic states; because of the characters of these states, most opponents of the membership account will rule out non-democratic states as associations where the obligation to obey can be generated. Even if changing the content of the obligations can accommodate the criticism of group characters, it does not provide a full defence for the membership account. Other candidates for explaining the obligations between group members cannot be ruled out.

The Fair Play Account

On the basis of the principle of fairness, arguments from the fair play account revolve around the reciprocal obligations generated in social cooperation. Central to the idea of fairness is that it is morally wrong and unfair to be a free-rider, taking advantage of the others' contribution while not sharing the burden. George Klosko offers an account of fair-play theory which is tailored to the involuntary feature of the state and public goods, arguing that according to the principle of fairness, a cooperative scheme that provides presumptively beneficial goods is able to generate a fairness obligation, namely, an obligation to cooperate in the scheme.¹⁶ Presumptively beneficial goods are indispensable for an acceptable life and non-excludable, for example, national defence, and social order provided by the state. Each person in such a cooperative scheme has a right against one another that they bear their share. If we accept that the central purpose and function of the state is to provide presumptive public goods, then citizens have an obligation to cooperate, mainly by obeying the laws, even if the state is an involuntary cooperative scheme.

¹⁵ Ibid.

¹⁶ George Klosko, *The principle of fairness and political obligation* (Lanhan, Boulder, New York, Toronto and Oxford: Rowman & Littlefield, 2004), p. 35

However, opponents of the fair play account set clear limits to its applications. According to Klosko, one condition for the principle of fairness to generate an obligation to cooperate is that the benefits and burdens are fairly distributed. This implies, on his view, that the fact that ‘fairness’ is essentially contested, a clearest aspect is that the distributive procedure of the cooperative scheme should be democratic, in the sense that each individual has the right to have his or her opinion considered.¹⁷ Non-democratic states cannot satisfy this condition and therefore, the principle of fairness does not generate an obligation to cooperate in them.¹⁸

However, the principle may generate other obligations in non-democratic states. The emphasis of the fair play account is the moral wrong of free-riding. Therefore, in a cooperative scheme which distributes benefits and burdens unfairly, at least, those who benefit from the unfair scheme are under an obligation to resist the scheme which renders them free-riders, taking advantages of others exploited by the injustice. Candice Delmas presents this fairness-based argument for an obligation of political resistance in an unjust state.¹⁹ Is Delmas’s version suitable for non-democratic states?

I think that the answer to the question is negative. First, it may underestimate the moral wrong involved in non-democratic states. Delmas explains her position by the example of racial segregation in the US, in which the southern whites systematically and wrongfully benefited at the expense of African Americans.²⁰ I have no disagreements with her on the description of the situation and it is true that the principle of fairness was seriously violated. However, is this only a matter of fairness? When the basic liberties and political rights of the African Americans were not guaranteed or even deprived, is the problem of the southern whites merely not playing fair? After all, free-riding only infringes the right to require others to bear their share of the burdens of the

¹⁷ Klosko, *The principle of fairness and political obligation*, p.39; pp. 64-65

¹⁸ Not all fair play theorists agree with the limitation. Some think that the principle of fairness can be applied to unjust groups and generate an obligation of reciprocity. For example, see Garrett Cullity in “Moral free riding,” *Philosophy & public affairs* 24.1 (1995): 3-34, p.19. However, most theorists agree with the restriction of applying the principle of fairness.

¹⁹ Candice Delmas, “Political Resistance: A Matter of Fairness,” *Law and Philosophy*, no.33:4 (2013): 465-488.

²⁰ *Ibid.*, p.472

cooperation, but what happened in racial segregation is also a serious human rights violation. The African Americans were not only treated as unequal members of a political community; they were even not treated as humans in many ways. The white Southerners clearly violated their natural duties. Since the basic human rights are more fundamental than the right of a group member to require other members' contribution to the cooperative scheme, the violation to the former is much more serious than the violation of the latter, and 'free-riding' obviously underestimates the moral wrong involved in the racial segregation. There is a clear sense that natural duties have a straightforward role to play here.

Second, it generates obligations only for those who receive unfair benefits at the price of the suffering of other citizens. In the racial segregation example, it generates an obligation to resist the system only for the southern whites. But this restriction raises a problem for non-democratic states. When most citizens in a non-democratic state have very limited political rights and civil liberties but the political elites control the state to benefit themselves, the obligation generated from the principle of fairness is only for this small portion of the citizens.

In her most recent book, Delmas offers a solution to this problem, arguing that victims of an unjust system have a duty to resist on the ground of fairness. This is because "[t]he activist social movement is itself a scheme of cooperation in which resistance is the cost and justice the main benefit".²¹ Victims of injustice have a fairness obligation to join the existing resistance to avoid free-riding on others' activism.²² However, the plausibility of the arguments depends on whether the benefits from resistance to injustice can be regarded as a presumptively beneficial good. If not, requiring others to join the existing resistance will still be criticised as imposing a burden on others simply by conferring benefits to them.²³ The notion of presumptively beneficial goods is

²¹ Candice Delmas, *A Duty to Resist: When Disobedience Should Be Uncivil* (Oxford University Press, 2018), p. 131.

²² *Ibid.*

²³ Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp.90-5

unclear in various aspects. For Klosko's purpose of grounding a fairness obligation to obey the law, it mainly refers to a small number of goods, including "physical security, protection from a hostile environment, and the satisfaction of basic bodily needs".²⁴ This list only includes some most basic functions of the state. Delmas's solution seems to account for a duty to resist injustice that clearly undermines the supply of these goods, such as in her example of resisting racial segregation. However, what about democratic rights that do not obviously undermine these goods? In many situations, activists' efforts and sacrifices for justice, and the non-excludable benefits victims can receive through resistance can be good reasons to persuade people to join in social movements; however, such reasons do not always generate a fairness obligation.

This examination shows that the fair play account, especially Delmas's version, is able to explain a duty to resist some types of injustice in non-democracies, but at the same time, its application to non-democracies is still limited. Indeed, fairness can ground an obligation for beneficiaries to resist deeply unjust system, but in this situation, calling them free-riders seems to underestimate their wrong. Fairness can also ground victims' duty of solidarity, but only on the condition that benefits of resistance can be regarded as presumptively good. For a more comprehensive theory of political obligations in non-democracies, we need to consider if the natural duty account is a better option.

The Natural Duty to Justice Account

This account appeals to the idea of *natural* duties, to explain our moral ties to our fellow citizens and our state. Natural duties are duties we owe to other people simply because of their moral status as equal moral persons; their application to us does not depend on our voluntary acts or our institutional positions. The duties are obtained not because of giving consent, taking up certain positions or accepting benefits. The duties are not

²⁴ Klosko, "Presumptive Benefit, Fairness, and Political Obligation," *Philosophy & Public Affairs*, 1987, 241–259, p. 246.

contingent on anything we have said or done.²⁵

We have a natural duty to help the needy and to rescue those in danger, at least when it is not too costly for ourselves; we have a natural duty to treat others as moral equals regardless of their gender, race, ethnicity or nationality; we have a natural duty not to harm other people when they pose no harm to us. Many more such duties can be listed. There is a general agreement in that literature that just political institutions are indispensable for these natural duties to be fulfilled. Therefore, one fundamental natural duty is the 'duty of justice'. According to the natural duty account, political obligations are based on our natural duty of justice "to support and to comply with just institutions that exist and apply to us" and "to further just arrangements not yet established, at least when this can be done without too much cost to ourselves".²⁶

It is not difficult to see the natural duty account's potential to apply to non-democratic states. Natural duties, including the duty of justice, bind both democratic citizens and non-democratic citizens. Notably, the second half of John Rawls's famous formulation of the natural duty of justice requires us to further just arrangements not yet established, at least when this is not over costly for us.²⁷ Though we cannot say that every non-democratic state is unjust in its every single law and policy, for most non-democratic states, many just arrangements still need to be established and institutions to be reformed. Simple and rough as Rawls's formulation is, its potential is clear.

Indeed, while most natural duty theorists concentrate on the question of whether the natural duty of justice is sufficient to generate political obligations for citizens in democratic states, they do not deny that their account can work in non-democratic states. The natural duty account, on their view, works 'at least' for legitimate states (democracy is a necessary condition for legitimacy) instead of 'only' for legitimate states. For

²⁵ Jeremy Waldron, "Special Ties and Natural Duties," *Philosophy & Public Affairs*, 1993, 3-30, p. 3.

²⁶ John Rawls, *A Theory of Justice* (Cambridge: Harvard university press, 1999), p.99.

²⁷ *Ibid.*

example, Jeremy Waldron argues that the natural duty of justice might have different implications for non-democratic states, but they should be explored after we develop a plausible account for the ideal cases.²⁸ Allen Buchanan argues that when “the institutional resources for democratic authorization are lacking, this account does not provide a solution to the problem of how we are to converge in our support for a particular coercive agent”.²⁹ The natural duty of justice cannot ground an obligation to support a non-democratic state, but can it ground other obligations? After all, Buchanan’s formulation of the natural duty of justice, namely “a general but limited moral obligation to help ensure that all persons have access to institutions that protect their basic human rights”³⁰, morally binds both citizens of democratic states and those of non-democratic states.

Among the traditional theories of political obligation, both the fair play account and the natural duty account are potential to be applied to non-democratic states. However, the natural duty account can apply to a wider range of injustice in non-democracies. Thus, I choose the natural duty account to set up the framework. This is not to say that other accounts are not plausible, nor that the natural duty account will meet no difficulties when applied to non-democratic states. The natural duty account is the most promising because there are no clear obstacles for its application in non-democracies and it is more convenient to begin with this account when we approach the problem of political obligations in non-democracies.

2. The Natural Duty of Justice and the ‘Particularity Problem’

The natural duty account in existing literature mainly focuses on the justification for an obligation to support and comply with the political institutions in reasonably just or

²⁸ Jeremy Waldron, “Special Ties and Natural Duties,” p. 5.

²⁹ Allen Buchanan, “Political Legitimacy and Democracy,” *Ethics* 112, no. 4 (2002): 689–719, p. 718.

³⁰ *Ibid.*, p. 703

sufficiently democratic states.³¹ The arguments develop around two questions. First, how do inter-personal duties which are concerned with the way we treat other moral persons transform into duties concerned about our attitudes and actions towards our political institutions, namely, the states? Second, why are the duties owed to our fellow citizens different from those owed to non-citizens, given the fact that compatriots and non-compatriots are equal moral persons? The second question is usually referred to as ‘the particularity problem’ and is a powerful challenge to the natural duty account.³² I shall begin with the answers offered by natural duty theorists to the first question and then proceed to the second.

2.1 From Interpersonal Duties to Institutional Duties

Most natural duty theorists begin with a core element of justice. Despite the differences in their choices of the fundamental element of justice, most of these elements amount to the basic and familiar commitments of liberalism: freedom, equality, equal concern and respect, and basic rights. They tell us about the ways that we are morally bound to treat others and how we should be treated by others, regardless of our own voluntary actions or attitudes.

Anna Stilz, for example, begins with *equal freedom*.³³ As an essentially contested concept, freedom can be interpreted in different ways even within the liberal tradition. Stilz opts for a conception of ‘freedom-as-independence’. This conception is concerned with relationships between persons, rather than with the obstacles or constraints that are the result of the functioning of the natural world, such as floods or congenital defects. A person is free-as-independent if she is not subject to the will of others and if her

³¹ In contemporary philosophy, it is generally accepted that John Rawls first broached such argument for political obligations in his *A Theory of Justice* and theorists including Jeremy Waldron, Thomas Christiano, Allen Buchanan and Anna Stilz continue to work on and refine Rawls’s argument. And the ideas of these contemporary theorists can be dated back to Kant. In this chapter, it is the works of these theorists I mainly focus on and examine.

³² This particularity requirement is recognized as a standard of success for a theory of political obligations, at least by the natural duty theorists whose works I will examine in this chapter. Rawls, Waldron, Stilz, Buchanan and Christiano all pay attention to the particularity problem.

³³ Anna Stilz, *Liberal Loyalty: Freedom, Obligation, and the State* (Oxford: Princeton University Press, 2009), pp. 27-56.

enjoyment of such non-interference is guaranteed by certain robust mechanisms, rather than mere luck or the mercy of others.³⁴

Other natural duty theorists place a different value at the core of their theory. Buchanan, for example, argues that the basic principle of justice is that of “equal concern and respect”, which “requires helping to ensure that [people’s] rights are respected”.³⁵ Compared with Buchanan, Thomas Christiano proposes a slightly different version of the principle of equality at the root of justice, namely, the equal advancement of well-being. Grounded in the dignity of persons, the interests of all persons should be advanced and advanced equally.³⁶

Natural duty theorists agree that besides interactions between persons, justice needs to be realised through social institutions. More specifically, a public authority is necessary to implement the various principles of justice mentioned above (no matter it is for the preservation of freedom-as-independence, guarantee of equality or protection for people's basic rights). In other words, justice has an institutional nature. Due to this institutional nature, a duty related to our attitudes and actions towards institutions is among our natural duties, which is usually called the natural duty of justice.

The following paragraphs will explain why natural duty theorists take justice as an institutional value. By comparing two examples, I will demonstrate that the realisation of freedom-as-independence requires an institution, namely the state, to be established. Similarly, other core elements of justice, though not to be discussed in detail in the following, also require the establishment of the state.

Let us first imagine a peasant in ancient China, who lived his pastoral life peacefully and happily. He could choose when to work and when to rest and he could exchange

³⁴ Stilz, *Liberal Loyalty*, p.37

³⁵ Buchanan, “Political Legitimacy and Democracy,” p.704

³⁶ Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008), pp.14-45

the things he needed with his own harvest, although he was not that rich to afford silk or spice. It seems that in his life, he could follow his own plan and enjoy his freedom. However, his freedom was so fragile since it depended on the benevolence of the emperor and the rectitude of the local officers. From the perspective of freedom-as-independence, there is a significant aspect of freedom lost in the case of the peasant, namely, the mechanism for securing the non-interference, and therefore, the peasant was actually not free.

Let us suppose that the peasant mentioned above was not living in ancient China but lives in a hypothetical anarchist island or a state of nature. He occupies a piece of land and works on it. Of course, as no public authority has been established, it does not make sense to say that he has any definite right to that piece of land. Fortunately, there is no war of all against all. He can also make his own plan of working and resting and enjoy what grows out of the land. People living around have some occasional cooperation and exchange things. In a word, he lives a similar life to the one in ancient China and, in addition, there is no need for the peasant to worry that one day a local official or the emperor will issue an order that arbitrarily changes his prospects, like a sudden tax increase or compulsory military service. Is he more free in the anarchist island? From the perspective of freedom-as-independence, the answer is not straightforward. A stronger and greedy man might grab his harvest and even coerce the peasant to work for him by the threat of violence. A neighbour, even with no intention to take advantages of the peasant, might not accept the boundaries that he has drawn for his land, and there is no such thing as a right to which he can appeal to claim his ownership of the land. When there are conflicts of interests, there is no third party to which he can turn to decisively settle the matters in a mutually accepted way. Even in the best situation where the peasant happens to have some agreements on the land, harvest and daily exchanges with his neighbours and those most frequently interact with him, this status is vulnerable and unsustainable, as any party to the agreements can change his or her mind at any moment. The consequence, again, is that each of them is dependent on others' will of maintaining the agreement. It follows that an important aspect of freedom

is absent: the guarantee of his status of non-interference.

A general lesson we can draw from these two examples is that political coercion without proper constraints is a threat to freedom, but the lack of a public authority is a threat as well. Conflicts of interests and violation of freedom will constantly arise if people are left to deal with the relationships and interactions with others by relying on their own moral reflections and efforts to solve conflicts (even when they act in good faith). One reason is the unwillingness of some people to show such respect, as in the case of the greedy man who is strong enough to grab the peasant. Another reason is what Christiano calls "the facts of judgements": people are different in their natural talents and have different cultural backgrounds; they have cognitive biases when interpreting others' claims; all people can be fallible in making judgements.³⁷ Therefore, even among people attempting in good faith to follow the dictates of justice, conflicts and disagreements will inevitably arise. The peasant and the neighbour both have their own claims to the disputed land on the basis of their different interpretations of their freedom. Each of them can blame the other one for violating their equal freedom. There seems to be no alternative to settling down the disputes by appealing to strength, though the neighbour and the peasant firmly believe that their opinions and actions are based on dictates of justice.³⁸ In practice, the principle of equal freedom provides very limited guidance for our interactions with other people around us. There can be more than one system of rights that is compatible with the principle of equal respect, and individuals have quite diverse views on its interpretations. Undoubtedly, unilateral interpretation of the principle results in obscured and arbitrary boundaries of everyone's freedom.³⁹ It does no good to preserve and promote our equal freedom.

As mentioned above and as we can see in the different stories of the peasant, freedom-

³⁷ Christiano, *The Constitution of Equality*, p.235

³⁸ Stilz, *Liberal Loyalty*, pp.49-50; Waldron also writes, "there is an affront to the idea of justice when force is used by opposing sides, confrontationally and contradictorily, in justice's name. The point of using force in the name of justice is to assure people of that to which they are entitled. But if force is being used to further contradictory ends, then its connection with assurance is ruptured." See Jeremy Waldron, "Kant's Legal Positivism," *Harvard Law Review* 109, no. 7 (1996): 1535-1566, p.1540

³⁹ Stilz, *Liberal Loyalty*, pp.44-7

as-independence emphasises the impact of relationships on freedom and the importance of institutional guarantees for non-interference. These features are shared by proponents of equal advancement of well-being, equal respect and concern, and basic rights as well. The realisation of them all depends on relationships between individuals, and more broadly on institutions. Such institutional elements are repeatedly stressed by natural duty theorists, whatever core elements of justice they rest on. For instance, from the perspective of Christiano, who grounds his arguments on equal advancement of people's interests, it is not enough that individuals and their interests receive equal treatment; in addition, they must be able to see that they are treated as equals if they have made reasonable efforts to reflect on their situations.⁴⁰ Publicity thus requires public rules and transparent procedures regulating people's behaviours and the possible conflicts of their interests. As the guarantee of equality, it can only be provided by an institution that acts as a public authority, backing up a determinate system of rights by public coercion. Actually, the natural duty theorists agree that the state understood as "monopoly of the legitimate use of physical force within a given territory" in Max Weber's definition, is a moral necessity.⁴¹

Notice that it is not only because of the complexity of human societies that the state becomes necessary as argued by Christiano.⁴² A more robust reason is the state's unique functions of the monopoly of coercion and its conclusive solutions to people's disagreements. Even though non-state institutions can also commit themselves to the promotion of justice, without the state, their endeavours to achieve their goals are still private and inclined to result in arbitrariness and conflicts, for different non-state institutions in the state of nature still unilaterally interpret the principles of justice, just like individuals do in the state of nature. Non-state institutions provide internal rules for their own members, but only the state provides a uniform and public system of law for all people living in it and for non-state institutions within it. Furthermore, only the

⁴⁰ Christiano, *The Constitution of Equality*, p.47-71

⁴¹ Max Weber, "The Profession and Vocation of Politics," *Weber: Political Writings*, 1994, 309–69, p. 310.

⁴² Christiano, *The Constitution of Equality*, p.53

state can enforce this system without introducing unilateral interpretation of justice and private coercion that jeopardise freedom and equality between individuals. To completely establish justice, first of all, we need the state to play its special roles, and non-state institutions can only achieve their goals of realising justice after the state has set up the platform of a publicly defined and enforced system of law. Stilz calls this platform the “background condition of equal freedom” which marks a significant difference between the state and non-state institutions. Because it is the background under which people’s freedom can be preserved and other voluntary institutions can perform, the institution that establishes it, namely the state, is the one that the natural duty of justice is concerned with; as for other institutions which do not bring about such a background condition, we are not bound by the natural duty of justice to comply with them and we are at liberty to join in or not, no matter how just they are.⁴³

Natural duty theorists thus implicitly or explicitly agree with Kant, who said that “[i]f you are so situated as to be unavoidably side by side with others, you ought to abandon the state of nature and enter, with all others, a juridical state of affairs, that is, a state of distributive legal justice.”⁴⁴ For Kant and later natural duty theorists, the “ought” constitutes a duty related to justice-defining and justice-distributing political institutions, a natural duty that binds every person equally regardless of any previous voluntary actions and relationships one has with another or positions in certain social structures.

What exactly this natural duty of justice amounts to depends on the understandings of different theorists and the contexts of discussion, for the Kantian version itself is quite abstract. More detailed in John Rawls’s celebrated version, as mentioned above, defines it as the duty “to support and to comply with just institutions that exist and apply to us” and the duty “to further just arrangements not yet established, at least when this can be

⁴³ Stilz, *Liberal Loyalty*, pp.34-35

⁴⁴ Immanuel Kant, *The Metaphysical Elements of Justice: Part I of the Metaphysics of Morals* (1797), translated by John Ladd (Indianapolis/Cambridge: Hackett, 1992, 2nd ed.), pp.114-15

done without too much cost to ourselves.”⁴⁵ Waldron directly adopts and defends this formulation.⁴⁶ Buchanan adapts it to a *Robust Natural Duty of Justice*, a moral obligation to help ensure that all persons have access to institutions that protect their basic human rights, which requires that citizens support a wielder of legitimate political power.⁴⁷ Christiano argues for a duty to obey the democratic authority.⁴⁸ Stilz offers a more detailed version, arguing that, in a democratic state, the natural duty of justice translates into a duty to obey the law, a duty to pay taxes, a duty to participate in public affairs and a duty to support the redistributive policies.⁴⁹ But generally speaking, in the current literature of political obligations, the abstract Kantian duty to enter the civil condition is most often translated into a duty to comply with the democratic authority, or in the more common phrase used in the discussion of political obligations, a duty to obey the law of a democratic state.

2.2 The ‘Particularity Problem’

Explaining the moral necessity of the state and our natural duty as moral persons to step into the state does not give a complete answer to the question why, as citizens, we have a political obligation to support our own state. Actually, most objections to the natural duty theories do not deny the existence of general natural duties, including the duty to support just institutions. The difficulty for natural duty theories is how to particularise this duty to support just institutions so that it can sufficiently explain the special characters of political obligation. The political obligation to comply with the law is a special one and directed at one’s own state or fellow citizens. The natural duty account must develop an argument for this particularity of political obligations, but the challenge lies in the nature of natural duties. A special obligation to our fellow citizens or our own state seems to be incompatible with our commitment to fulfilling our natural

⁴⁵ John Rawls, *A Theory of Justice*, p.99

⁴⁶ Waldron, “Special Ties and Natural Duties,” pp.4-5

⁴⁷ Buchanan, “Political legitimacy and democracy,” p. 703

⁴⁸ Christiano, *The Constitution of Equality*, p.249-50

⁴⁹ Stilz, *Liberal Loyalty*, p.209

duties to all moral persons.

Following Simmons, I shall call this challenge the ‘particularity problem’.⁵⁰ This problem challenges the natural duty account from different perspectives. First, it seems that the natural duty of justice binds us not only to our own just state, but to support all just states.⁵¹ If we have a duty to support our own just state, why don’t we have a duty to support other states that are equally just or more just? Admittedly, the natural duty theorists themselves will not deny that such duties to other political institutions (institutions that we cannot sensibly call ‘our own institutions’) exist. Therefore, it is a mistake to think that the natural duty of justice can ground citizens’ political obligations. After all, if there is any reason for supporting our own just state instead of other just states, it is merely contingent. For example, it is more convenient to aid our own political institutions.⁵²

However, it is not the case that the natural duty account has no solutions to this problem, and I argue that Stiliz’s and Waldron’s cooperation-based responses successfully defend the view that we can have special obligations deduced from the requirements of justice. Before turning to the cooperation-based responses, there are a few words to say about other natural duty theorists’ solutions to the ‘particularity problem’, which I take to be unpersuasive responses for the purpose of the project.

Christiano and Buchanan both argue that democracy provides the answer for the particularity of political obligations. On their view, democracy is the necessary mechanism that accords equality to citizens. Failing the obligation to obey the law made by one’s own democratic state violates the rights of her fellow citizens. Even though equal respect is a duty we owe to all moral persons, the democratic mechanism of each democratic state requires that first of all, we must treat our fellow citizens as equals. As

⁵⁰ Simmons, *Moral Principles and Political Obligations*, p.31

⁵¹ *Ibid.*, pp. 152-5.

⁵² Dworkin, *Law’s Empire*, p.193

Christiano explains:

“The duty to treat people as equals is not fully discharged by trying to support the construction of democracy in other parts of the world. If one only did this and failed to act in accordance with a reasonably well-constituted democratic order, then one would be treating one’s fellows publicly as inferiors. And this would be a very weighty violation of equality.”⁵³

According to this, for a citizen living in a democracy, an indispensable aspect of her natural duty to show equal respect to others is to respect her fellow citizens by complying with the laws of her own democratic state. The failure to show equal respect to her fellow citizens cannot be compensated by her efforts of supporting other democracies. The natural duty of equal respect must be fulfilled, first of all, by obeying the democratic law of one’s own state. The democratic mechanism thus ties a citizen to her particular political community.

The problem with this line of argument, first of all, is that they beg the question, for their responses answers the question of why we owe some obligations to our fellow citizens, but not the questions of why we owe them *particularly* these obligations and do not owe the obligation to support the just institutions to citizens in other states. Secondly, the response is not able to account for the ‘particularity problem’ in non-democratic states, and therefore it is not helpful for the aim of this project. Actually, both theorists are satisfied to limit their inquiries within the context of democracy. Christiano is interested only in the ground of democratic authority and as mentioned at the end of Section 1, Buchanan is not ambitious to provide a solution to the problem of how we are to converge in our support for a particular state with the absence of democratic mechanism.

⁵³ Christiano, *The Constitution of Equality*, p.250.

Unlike Christiano and Buchanan, Stilz and Waldron do not rely on the democratic mechanism to respond to the 'particularity problem'. They both appeal to the fundamental requirement of the natural duty of justice, which is cooperation, or collective action, of a group of people, for supporting just institutions cannot be achieved by efforts of one person alone. As Waldron puts it, "our cooperation in establishing and sustaining political institutions that promote justice is morally required. That is the backbone of the natural duty position."⁵⁴ Once we recognise the natural duty of justice as a duty to act together, the scope of the cooperation will draw a morally significant boundary between participants and non-participants. In this way, the duty is particularised, and the special allegiance to one's own state and solidarity with one's own fellow citizens can be explained.

It is commonly agreed that requirements and principles of justice should not be confined within the borders of states. Meanwhile, the fact is that the laws of different states localise the requirements and principles of justice. For example, Norway and the US have very different tax laws and welfare systems, for they localise distributive justice differently. Both states have no right in enforcing their ideas of distributive justice beyond their borders. Therefore, sometimes the localisation of the requirements and principles of justice is acceptable. The justification is implied by the Kantian duty. A public authority is morally imperative and we should enter a state of distributive legal justice, but we cannot wait for a global order which can solve all possible conflicts and disagreements between individuals. Instead, we should, as argued by Waldron, "enter quickly into a form of society with those immediately adjacent to me, those with whose interests my resource use is likely to pose the most frequent and dangerous conflicts".⁵⁵

The result is that we need to enter and sustain different states, each of which is necessarily a cooperative activity. But note that Waldron appeals to proximity. Individuals who satisfy this condition of proximity are close to us and most likely to

⁵⁴ Waldron, "Special Ties and Natural Duties," p. 29

⁵⁵ *Ibid.*, p. 15

have conflicts of interests with us. If I live in a village near the border of my state, people in the neighbouring village on the other side of the border are more likely to be the ones that satisfy the condition, compared with my fellow citizens who live on the other side of the country. Therefore, nation-state boundaries in the real world do not seem to coincide with boundaries drawn by a principle of proximity. By contrast, Stilz turns to states, especially democratic ones, in the real world. She argues that existing democratic states are already such cooperative activities. For this reason, I think Stilz's response is more plausible if our concern is non-democratic citizens' political obligations in the real world.

Collective actions are common phenomena in our daily life, for example, an orchestra or a temporary team to put out a fire. Stilz understands the cooperative activity following Michael Bratman's collective action theory. The idea of collective action revolves around shared intentions. The basic formula of Bratman's model of collective action is as follows:

- 1) (a) I intend that we J and (b) you intend that we J.
- 2) I intend that we J because of (1a) and (1b) and meshing sub-plans of (1a) and (1b); you intend the same.
- 3) (1) and (2) are common knowledge between us.⁵⁶

The distinctive features of the shared intention in this model are: the individual participants of the collective action possess the intention instead of the group; the participants have a commitment to the joint activity J and therefore each of them intends the realisation of the shared goal instead of merely their personal contribution; and thirdly that each only intends the joint goal when she is assured that the other intends the same.

⁵⁶ Michael E. Bratman, *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge University Press, 1999), p.9, quoted in Stilz, *Liberal Loyalty*, p. 182

Arguably, entering and sustaining the democratic state can be seen as collective action.⁵⁷ Following Bratman's model, citizens are acting together, by obeying the law, to establish and maintain a public authority that defines and enforces a system of rights. When the state is democratic, citizens are also acting together, by voting and other forms of political participation, to formulate the law in a non-dominating way.⁵⁸ A democratic state can be seen as collective action following Bratman's model because individual citizens intend the functioning of the democratic state and since the political process of a democratic state is 'out in the open', citizens can realise whether other citizens intend the same and make their relevant contributions.

Like other types of collective action, democracy generates special obligations for its participants. The fact that citizens are participating in a democratic state 'particularises' their natural duty of justice, which is argued to be universal. Particularisation, as I read Stilz, refers to the process in which a commitment to a universal value is localised and specified. In an orchestra, a commitment to playing Mozart is particularised by members practising together in the same orchestra. Therefore, the obligations of an orchestra member are owed particularly to other members of the same orchestra rather than other non-members who are also committed to play Mozart. An *ad-hoc* rescue team that is putting out a fire, each members' general duty of rescue is particularised by the emergency of the situation and the fact that one is already working together with other members of the team. Therefore, the obligation to offer help for victims of the fire is owed particularly to the victims here and now; the obligation to coordinate is particularly owed to those temporary team members rather than anyone who is helping with putting out a fire. Playing Mozart, Samaritanism and establishing just institutions are all universally valuable, but collective action, such as an organised formal orchestra, a temporary team without formal rules, and a democratic state, can transform such

⁵⁷ Apart from Stilz, there are other theorists who argue that citizens' cooperation in a state can be interpreted as collective action, and not all of them use Bratman's model. For discussion on this issue, see Christopher Kutz, "The collective work of citizenship," *Legal Theory* 8.4 (2002): 471-494, Avia Pasternak, "Limiting States' Corporate Responsibility," *Journal of Political Philosophy* 21.4 (2013): 361-381 and Scott Shapiro, "Massively Shared Agency," *Rational and Social Agency: The Philosophy of Michael Bratman*, 2014, 257-293.

⁵⁸ Stilz, *Liberal Loyalty*, pp.193-4

commitments to localised, specific and special obligations.

Therefore, opponents of the natural duty position are wrong in stating both that special obligations to our own state and fellow citizens cannot be generated based on a commitment to justice and that the special reason for supporting our own state is only contingent. The natural duty account does not deny that we have natural duties to other just states in the world. However, by appealing to the background theory of collective action, we are able to distinguish the special relation between participants of the same just state from the external relation between a participant and a non-participant. The difference, as stressed by Waldron, is “a difference in the content and structure of the natural duty”.⁵⁹

2.3 A Version of Associative Account?

Some people may wonder if Stiliz really defends a natural duty theory; invoking the notion of collective action might have transformed her account into an associative one. Jonathan Seglow defends a “distinctively associative duties of commitment” to “help realise their associations’ common purpose goods”.⁶⁰ In a note, he mentions that his argument shares similarities with Stiliz’s, especially her example of the orchestra, where obligations of members, as he interprets Stiliz, are “grounded in the notion of a shared intention”.⁶¹ Such goods can only be enjoyed when we cooperate with fellow members who share purposes with us, and others’ enjoyment of the goods also depends on our contribution to the common purposes of the association.⁶² The association is formed, shaped and sustained by common purposes. We experience our membership in the association both by enjoying the common purpose goods and contributing to their

⁵⁹ Waldron, “Special Ties and Natural Duties,” p.19

⁶⁰ Jonathan Seglow, *Defending Associative Duties*, p. 118

⁶¹ *Ibid.*, p. 193, 26n

⁶² Unlike public goods provided by a cooperative scheme, people cannot free-ride on common purpose goods. If I refuse to practice my part in the orchestra, I do not enjoy the benefits of playing Mozart and this negatively affects others’ enjoyment as well. Since the goods are produced as the result of a shared intention, my failure to act in light of that intention necessarily impacts the realisation of my own purpose. However, failing to share my burden and play my part in a cooperative scheme does not affect my enjoyment of the public goods.

production; thus, duties of commitment are essentially a conceptual aspect of membership in such associations.⁶³

My claim is that Stilz's account is sufficiently distinct from a membership or associative one. It is, first of all, distinct from Seglow's version. Seglow takes consent as a necessary precondition for the duties of commitment,⁶⁴ but Stilz's account applies to non-voluntary collective action such as the democratic state. Furthermore, the duties of commitment argument has a relatively narrow focus on common purpose goods, but it is less clear large-scale associations have such common purpose goods. Seglow himself recognises this difficulty and admits that there might be no "association-wide duties of commitment".⁶⁵ Therefore, even if Stilz's example can be reconstrued to defend associative duties of commitment, it is highly unlikely this line of argument can be applied to the democratic state.

Thirdly, in highlighting the distinction between 'particularisation' and 'grounding', the more fundamental differences between Stilz's account of political obligations and an associative one can be revealed. As mentioned, particularisation is the process through which a commitment to a universal value is localised and specified. Grounding, on the other hand, is to provide a normative basis for the commitment. By appealing to the notion of collective action, Stilz aims to show how commitment to universal values, on different normative grounds, can be *particularised*. In the orchestra example, it is consent to join in that explains why the commitment to playing Mozart can be morally binding, and one's participation in the orchestra particularises her commitment into obligations owed to her orchestra and her fellow members. In the case of firefighting, the commitment to save people from peril is already covered by the Samaritan duty, but one's participation in the collective efforts to put out the fire particularises one's duty of rescue into an obligation to keep helping, supporting and cooperating with the

⁶³ For a more detailed elaboration of common purpose goods and duties of commitment, see Seglow, *Defending Associative Duties*, pp. 118-23.

⁶⁴ Seglow, *Defending Associative Duties*, p. 121

⁶⁵ *Ibid.*, p.123

temporary team members and also an obligation particularly owed to the victims. Likewise, in the case of a democratic state, the commitment to the establishment of just institutions is morally required because it is our natural duty of justice, but one's participation in a particular democratic state particularises her natural duty of justice into the obligation to obey the law of her own state.⁶⁶

In contrast, as it is said in Section 1, a typical feature of the membership or associative account of political obligations is that the valuable membership in a polity directly grounds associative obligations. There is no need to deny that membership in a democratic state is valuable in many ways, but these values, in Stilz's account, do not help to explain political obligations. Her account explicitly appeals to the external moral principle, the natural duty of justice, to ground political obligations. When we see democracy as collective action and citizens as members of the collective action, our focus is the fact that citizens are acting together and the impacts their collective action has on each other; not how and why their membership is valuable. Actually, in next section, I will demonstrate that even when certain political communities lack the internal values that associative theorists take as indispensable for political membership to generate associative obligations, the natural duty of justice is still a morally binding force and citizens' collective action in such political communities may still particularise the natural duty of justice.

To conclude, I examined the natural duty account of political obligations, especially in the context of a democratic state. In Section 2.1, I explained why among our interpersonal natural duties, there is also an institutional duty, namely, the natural duty of justice. The key idea is that without a public authority that defines the boundaries of our rights and settles the conflicts, even people willing to do justice to each other cannot realise their equal freedom. Therefore, natural duty theorists share a Kantian basis in their theories that entering the state is morally required. Section 2.2 reviewed how

⁶⁶ This distinction between participation and grounding is originally illustrated through a two-tier structure of special obligations. Stilz, *Liberal Loyalty*, p. 189

natural duty theorists respond to the ‘particularity problem’. I put the responses into two broad categories: democracy-based responses and cooperation-based responses. Since the democracy-based responses somehow beg the question and limit the natural duty account to democratic states, I turned to the cooperation-based responses. By appealing to the idea of collective action, Stilz demonstrates how the commitment to a universal value can be particularised by collective action and therefore, we can have special obligations as participants. Finally, in Section 2.3, I clarified the distinction between Stilz’s natural duty theory from the associative account of political obligations. Participation in the collective action, in Stilz’s theory, plays the role of ‘particularisation’, whereas, in an associative account, membership in an association directly grounds obligations.

In the next section, I will move to the context of non-democracies. The natural duty of justice certainly binds non-democratic citizens, but the question that remains is whether the cooperation-based responses can account for the particularity problem in non-democratic states. If the answer to the question is positive, what will the natural duty of justice be transformed to?

3. Hypothesis: Non-Democracy as Collective Action

Recall that I have avoided Christiano’s and Buchanan’s responses to the particularity problem because such responses are tailored for democratic states and not suitable for the purpose of the project. According to the analysis above, it seems that the cooperation-based responses do not completely avoid this problem, either. After all, Waldron holds the belief that the natural duty of justice might have different implications for non-democratic states, but they should be explored only after we develop a plausible account for the ideal cases in which states are reasonably just.⁶⁷ As for Stilz, she only argues for democracy as collective action. Both theorists do not

⁶⁷ Waldron, “Special Ties and Natural Duties,” p.5

consider whether the natural duty of justice can be particularised in a similar way in non-democratic states.

Despite their focus on ideal situations and democratic states, I propose a hypothesis that non-democratic states can also be regarded as forms of collective action, in particular, collective action in which non-democratic citizens are complicit:

Complicity Hypothesis: non-democratic citizens are complicit in their own non-democratic state.

I use the notion of complicity because of some common and important characters of non-democratic states. A non-democratic regime usually contains deep injustice and violates many basic rights of citizens. The existing non-democratic order defines citizens' boundaries of freedom, but this political process also denies citizens' right to be co-authors of the law. This is in contrast with collective action in an orchestra, a firefighting team and a democratic state. Intuitively, we may wonder if non-democratic citizens, by obeying the law and paying taxes, are implicated in their state's acts of denying citizens' civil and political rights and its perpetuation of other injustices.

In Chapter 4, I will examine the hypothesis. In this chapter, I assume it to be true and briefly sketch its implication for reasoning about non-democratic citizens' political obligations.

If the Complicity Hypothesis is valid, what is the connection between the natural duty of justice and non-democracy as collective action in which citizens are complicit? Particularly, how does non-democracy as collective action particularise the natural duty of justice?

First, the backbone of the natural duty account is that we are morally required to act together in 'mutual coercion' and 'just law formulation', regardless of the states we

reside in. When we find ourselves already in a democratic state, we should act together with our fellow citizens who already share the cooperative activity with us. When we find ourselves in a non-democratic state, we are aiding the imposition of a particular non-democratic order with our fellow citizens. That is, we are involved in ‘mutual coercion’, but somehow ‘mutual coercion’ hinders ‘just law formulation’. To fulfil our natural duty of justice, we need to act together with those who also help with the imposition of the particular non-democratic order and who are under the same non-democratic order that we help to maintain. That is, we need to act with our fellow citizens. This is how special moral ties between citizens in a non-democratic state can be established.

Furthermore, this also suggests that we turn to the second half of the natural duty of justice, which requires the establishment of just institutions. This shift of focus broadens our understanding of political obligations. Besides traditional pro-regime aspects, for example, the obligation of obedience, anti-regime aspects, such as the obligation to resist, are no less important.

Third, if this hypothesis is true, complicity may put citizens under some collective responsibilities. Actually, in a non-ideal world, complicity problem arises in democratic states as well. Therefore, when considering the implication of her theory for existing democratic states, Stilz argues that “citizens have collective responsibilities to those on whom their joint practice inflicts injury or injustice”, and “a collective responsibility to redress injustice can be owed either to insiders or to outsiders to their territory”⁶⁸. However, the arguments are rather quick and leave more questions. What is the relation between collective responsibility and political obligations? Do citizens who are the victims of injustice also bear the responsibility? Are citizens in totalitarian states responsible for the injustice as well?

⁶⁸ Stilz, *Liberal Loyalty*, p. 203

These questions will lead us to explore non-democratic citizens' political obligations within the natural duty framework in the following chapters. Before examining the hypothesis that citizens are complicit in non-democratic states, we also need to revisit the conception of political obligations and have a typology of non-democratic states with different characters. A natural duty framework is potentially helpful to understand political obligations in non-democracies, but these obligations are very different from the ones we usually discuss in an ideal or democratic context. We need to take into consideration the political circumstances where citizens are expected to fulfil the obligations as well.

Conclusion

In this chapter, I choose the natural duty account to set up a framework for analysing the problem of political obligations in non-democratic states. The natural duty theorists take the state as a moral necessity and develop their arguments on the Kantian duty to enter the state. In the context of democratic states, this abstract Kantian duty is mainly translated into an obligation to obey the law.

The natural duty of justice also binds non-democratic citizens, but the difficulty is to transform the duty into special obligations. The 'particularity problem' is a serious objection to the natural duty account. As most natural duty theorists focus on democratic states, their responses to the 'particularity problem' are more or less related to the democratic mechanism. However, I argued that Stilz's and Waldron's cooperation-based responses are not strictly limited to democratic states. Particularly, Stilz's combination of natural duty of justice and collective action theories demonstrates how a commitment to a universal value can be particularised by collective action.

I argued that collective action is the key to respond to the particularity problem. I proposed the hypothesis that citizens are complicit (acting together) in non-democratic

states. At the end of the paper, I sketched several implications of this hypothesis and they anticipate the content of several following chapters. Chapter 2 will revisit the conception of political obligations, aiming to develop a more expansive way to understand political obligations. Chapter 3 will develop a typology for non-democratic states so that we can have a clear sense of the context in which we discuss political obligations. Chapter 4 will examine the hypothesis. Chapter 5 will reflect on the relation between the natural duty of justice, citizens' complicity, and political obligations. Chapter 6 will discuss some hypothetical examples of different types of non-democratic states, illustrating how regime characters affect citizens' political obligations.

Chapter 2 What is Political about Political Obligations?

Introduction

In Chapter 1, we had an overview of natural duty theories of political obligations in current literature, particularly Stiliz's version and its potential to be applied to non-democratic states. I argued that as long as non-democracies can be regarded as forms of collective action, non-democratic citizens' natural duty of justice can be particularised into their special political obligations. In a democracy, the special moral ties between citizens are mainly translated into the obligation to obey the law, which has also long been used exchangeable with 'political obligation'. But what about non-democracies? We tend to say that in most non-democratic states, if not all, there is no obligation for citizens to obey the law. However, does this entail that non-democratic citizens simply have no political obligations at all?

The question leads us to rethink the conception of political obligations and the traditional discourse of political obligations. My aim of this chapter is to broaden our understanding of political obligations. Here, 'broadening' does not merely mean having a longer list of political obligations, but also having a deeper understanding of what makes a political obligation 'political'. I aim to demonstrate, through conceptual analysis, that focusing merely on the obligation to obey the law not only leads us to neglect other equally important dimensions of political obligations but also makes us overlook the political nature of political obligations. I argue that political obligations should include some obligations that are similar to what Hannah Arendt and Iris Marion Young call "political responsibility", the responsibility to "take public stands about actions and events that affect broad masses of people, and to try to organize collective action to prevent massive harm or foster institutional change for the better".¹ On this basis, we can add at least two more obligations to the list of political obligations, the obligation to resist injustice and the obligation to participate in public affairs.

This chapter consists of three parts. Section 1 explains why the traditional narrow understanding of political obligations is problematic. Some theorists have challenged the traditional obedience-focused discourse. However, such challenges are not systemic and explicit enough, as they do not adequately explain the reason for including other obligations. I

¹ Iris Marion Young, *Responsibility for Justice* (Oxford University Press, 2010), p. 76.

argue that the reason to broaden our understanding of political obligations is the political nature of political obligations. What is political about political obligations? This is a question that has been neglected by the narrow understanding and not fully addressed by theorists who challenge the narrow understanding. Relying on a public-private distinction, we can understand what is 'political'. Political obligations are political because the term captures the following aspects: first, the fulfilment of the obligations requires action in the public domain; second, fulfilling the obligations need citizens to act collectively.

If the narrow understanding is problematic, what else should be included in political obligations? Section 2 offers a more expansive list of political obligations, including the obligation to resist injustice and the obligation to participate in politics. I shall investigate recent literature on the duty to resist injustice, especially arguments grounding the duty on the natural duty of justice. Our natural duty of justice can also ground a political obligation to resist injustice in both democratic and non-democratic states.

Section 3 makes some further conceptual clarification about the political obligation to resist injustice. I argue that political obligations are forward-looking responsibilities, which is not merely a semantic matter. This forward-looking feature of political obligations stresses that citizens who are victims of injustice are also politically obligated to resist injustice and can help us to distinguish the political obligation to resist from citizens' moral responsibility in state injustice and their collective remedial responsibility to address state injustice. The latter two types of responsibility, under certain circumstances, can also entail a responsibility to resist on basis of citizens' participation in the state.

Before analysing the concept of political obligations, I will first clarify some terminological issues.

Political obligations as moral obligations. For most theorists working on political obligations, political obligations are *moral* obligations. Margaret Gilbert perhaps is the only exception. Briefly speaking, Gilbert aims to offer a non-moral account of political obligations, talking about obligations as owing instead of moral requirements.² Owing is not necessarily a matter of morality, but it must be a matter of relationship as the specific performance of the obligation

² Margaret Gilbert, *Joint Commitment: How We Make the Social World* (Oxford University Press, 2013), pp.391-4

must be owed to some agent. It is in this sense of 'owing' that Gilbert develops her theory of political obligations. Moral considerations such as the characters of the state or the content of the laws are independent of the existence of obligations as owing. However, I shall not elaborate more on Gilbert's argument here. After all, a non-moral account does not aim to downplay the importance of the questions concerning the moral aspect of the problem of political obligations, and therefore there is no need to choose between Gilbert and other theorists who take political obligations as moral obligations. As my theory of political obligations for non-democratic citizens are natural duty-based, I simply follow most theorists and take political obligations as a type of moral obligations.

Obligations and ought. Although sometimes in ordinary language, 'obligations' and 'ought' are used interchangeably, I maintain that they are different. I agree with Dagger that "'obligation' is a relational concept, and the party under the obligation is always obligated to some or some group".³ But an ought claim does not necessarily involve a second party.

Furthermore, ought claims indicate an all-things-considered judgement. That is to say, citizens have different political obligations, but this only tells us that they are standing in some relations to their fellow citizens or their state. Discharging the obligations might not be the final judgement if we have other considerations. However, it is noteworthy that in this chapter and this project, I do not take obligations as self-assumed or something the agent has voluntarily committed to. 'Obligation' and 'duty' are used interchangeably.⁴

1. Political Obligation or Political Obligations?

Much of the literature on political obligations concerns the obligation to obey the law, without either consideration for other possible obligations that can be properly called 'political' or sufficient attention paid to these other obligations. Some theorists equate political obligation with the obligation to obey the law (and therefore they use the singular form, 'obligation'.) Thomas Hill Green, one of the earliest modern political theorists working on the conception of

³ Dagger, "What Is Political Obligation?," *American Political Science Review* 71, no. 1 (1977): 86-71, p. 87.

⁴ Dorota Mokrosińska, "What Is Political about Political Obligation? A Neglected Lesson from Consent Theory," *Critical Review of International Social and Political Philosophy* 16, no. 1 (2013):88-108, p. 101.

political obligation, takes the task of his discussion as “to discover the true ground or justification for obedience to law”.⁵

Also, many theorists take the reasons to obey the law as the basic problem of political obligations while paying much less attention to other sorts of political obligations. Klosko, for example, opens his discussion of political obligations by stating that “the basic question here is why an individual should obey any given law”.⁶ Similarly, Christopher Heath Wellman argues that the core question of political obligations is “why citizens are morally required to comply with governmental restrictions”.⁷ In Chapter 1, the four natural duty theorists we have reviewed, Buchanan, Christiano, Waldron and Stilz, are also concerned more about the first half of the natural duty of justice, the duty to support just institutions which entails an obligation to obey the law in just states. Even Stilz, who explicitly mentions at least four sorts of political obligations, usually narrows down her discussion to the obligation to obey. After all, in the title of her book, natural-duty-based political obligations are identified as liberal loyalty.⁸

In this project, I will not answer the question of whether non-democratic citizens have the obligation to obey the law. My focus is on political obligations beyond obedience, which will be investigated in Section 2. Admittedly, the threshold of legitimacy is an important issue but there is no need to define the threshold given the questions I am interested in this project. No matter non-democratic citizens have the duty to obey or not, other political obligations should be taken into consideration.

1.1 Challenging the “Misconceived Discourse”

Theorists might have good reasons to focus on obedience; however, as Bhikhu Parekh puts it, an obedience-focused discourse on political obligations “depoliticize political obligation and fail to appreciate its specific nature”.⁹

⁵ Thomas Hill Green, *Lectures on the Principles of Political Obligation and Other Writings* (Cambridge University Press, 1986), p. 13

⁶ George Klosko, *The Principle of Fairness and Political Obligation* (Rowman & Littlefield, 2004), p. 1.

⁷ Christopher Heath Wellman, “Associative Allegiances and Political Obligations,” *Social Theory and Practice* 23, no. 2 (1997): 181–204, P. 183.

⁸ For example, Stilz summarises her claim as “justice does give the citizens sufficient reason for allegiance to her particular institutions, and also for solidarity with her compatriots” in Chapter 4, Political Obligation and Justice, *Liberal Loyalty*, p.89

⁹ Bhikhu Parekh, “A Misconceived Discourse on Political Obligation,” *Political Studies* 41, no. 2 (1993): 236–251., p. 236

There are some challenges proposed to the narrow understanding of political obligations and discussions that shift the focus of the problem from obedience to other dimensions. They are a good starting point for canvassing the neglected features of political obligations. This section will explain two of these features, namely, the collective aspect and the forward-looking aspect.

A broader yet abstract understanding of political obligations is closely connected with the notion of ‘good citizens’.

Joseph Raz has this ‘good citizen’ element in his analysis of the conception of political obligations. According to Raz, political obligations are a broader notion than the obligation to obey the law:

“It includes some duties to be a good citizen in ways that have little to do with the law. They will be duties to react to the injustice perpetrated by or in the name of the community, to contribute to its proper functioning (e.g., by voting and by being active in various other ways), and more.”¹⁰

This echoes to what Parekh has proposed earlier as a more expansive conception of political obligations: “they include the obligations to take an active interest in political life, to promote the well-being of his community and to help redress its injustices.”¹¹

Some challenges have an explicit root in the republican-liberal conception of citizenship. Despite a certain degree of compatibility between liberalism and republican liberalism, this challenge relies more on the republican emphasis on public participation and civic virtues. For republicanism, political obligations have a closer connection with a conception of citizenship that highlights active participation in public life and a concern for the common good of the community. According to Dagger, a republican liberal conception of citizenship is in sharp contrast with a ‘consumer conception’ of citizenship. Citizens are not purchasers of products and services from the government and pay back with taxes and obedience; rather, they conceive themselves as participants sharing a common destiny “in the same boat”.¹² On this republican liberal conception, Dagger identifies several civic virtues including the willingness to play fair

¹⁰ Joseph Raz, “The problem of authority: Revisiting the service conception,” *Minn. L. Rev.* 90 (2005): 1003-1044, p. 1004

¹¹ Parekh, “A Misconceived Discourse on Political Obligation,” p.236

¹² Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford University Press, 1997), p. 79.

with fellow citizens, participation in civic life, respecting rights of other citizens, tolerance and holding a civic memory.¹³ These virtues help to secure social cooperation within a political community.

Explicitly, both types of challenges add more obligations to the list of political obligations. Hence, what they object to is the claim that political obligation is simply the obligation to obey the law or the claim that reasons for obedience to the law are the most basic problem of political obligations. However, broadening our understanding of political obligations is not merely having a more expansive list but also exploring their specific nature. Both types of challenges implicitly offer some hints for us to understand the *political* nature of political obligations. When thinking about what we are morally required to do as citizens or how to act as good citizens, we are also concerned about other fellow citizens and the social cooperation in which we participate. There is clear other-directedness in political obligations and this makes political obligations essentially to be fulfilled by acting together with others.

1.2 What Is Political about Political Obligations?

We now turn to a more systemic analysis of the term ‘political’. Some theorists explain the meaning of ‘political’ by appealing to a public-private distinction.

In her efforts to answer the question of what is political about political obligations, Mokrosińska highlights a *public-private* distinction between political obligations and non-political obligations. Political obligations are political not because the content of such obligations is about obedience or other political activities; one important reason is that they can only be acquired in citizens’ public life and in the process of living together as citizens in a political society.¹⁴ Consider the following example where an agent acquires the obligation to obey the law in a private way.

I can acquire an obligation to obey the law by making a promise to a friend to regulate my behaviours according to the requirements of the law, but such an obligation only arises from my private action and thus my obedience to the law is a private action as well. It is private in

¹³ Ibid.

¹⁴ Mokrosińska, “What Is Political about Political Obligation?” pp. 89-90

the sense that when making the promise, no third parties get involved or need to know about the promise, and the reasons for the obedience are not related to any third parties, either.¹⁵

Certainly, we do not think of this obligation which comes from a promise to a friend as a political one. Its content is about politics, but the way the obligation is acquired is not ‘political’ because of its private nature. If citizens’ reasons for their action are merely private, say, we only have a “coincidence of individual courses of action” instead of social action; without such social action, citizens acting on their private-reason-based obligation cannot form a political society, and therefore their obligations cannot be properly *political*.¹⁶

For Mokrosińska, this public-private distinction is the key to understand what ‘political’ means. Being public, first of all, refers to the *interdependence* of citizens’ reasons to fulfil their political obligations (in her discussion, she considers only the obligation to obey the law). The reasons bind me to discharge my political obligations also bind you, and they bind me because they bind you in the same way.¹⁷ Second, citizens are right-holders and co-operators for public goods and therefore the terms of political submission are a contract between all citizens and their government, instead of a set of bilateral agreements between particular individuals or interest groups and the government.¹⁸

A public-private contrast can also be found in the distinction between civil disobedience, which is regarded as a political activity, and conscientious objection, which is not. As Raz view, explains, “[c]ivil disobedience is a political act, an attempt by the agent to change public policies”, while “[c]onscientious objection is a private act, designed to protect the agent from interference by public authority”.¹⁹ In Raz’s view, with a different emphasis than that of Mokrosińska, being public means being out in the open and stepping outside of the private domain.

Raz’s emphasis on the distinction between civil disobedience and conscientious objection concerns the *target* of citizens’ actions. Civil disobedience targets at changing the terms that

¹⁵ The example is originally from Dorota Mokrosińska. For more details, see “What is political about political obligation?” pp.88-9.

¹⁶ Ibid., p. 94. Dagger also emphasises that political obligation can only be generated in a political society. See “What Is Political Obligation?” p. 92

¹⁷ Mokrosińska, “What Is Political about Political Obligation?” p. 101

¹⁸ Ibid. For a similar argument, see Parekh, “A Misconceived Discourse on Political Obligation.”

¹⁹ Raz, *A Right to Dissent? II.: Conscientious Objection* (Oxford University Press, 1979), p. 276

govern citizens' social cooperation and those who disobey the law aim to engage themselves in public affairs and the collective life of their political community. On the other hand, conscientious objectors target at their own conscientious integrity, without a special interest in persuading other members in the community and making changes in the public domain. Without invoking the convictions of the community, conscientious objection is an action lying outside of the public domain.²⁰

Despite their different emphasis, I argue that Raz and Mokrosińska do not have deep disagreements on what 'political' means. Mokrosińska's standards are concerned with the way individuals incur the obligation and are more tailored for a consent theory of political obligations, in which the obligation is acquired by self-assumption. After all, her purpose is to find out what the consent theory has long neglected. The two standards are thus more useful to examine whether a consent-based obligation is *political*. However, leaving aside the specific context of the consent theory, a more general lesson, according to Mokrosińska, is that "an obligation to obey the government is properly *political* only if it engages us jointly with the rest of the citizenry as opposed to engaging us independently of other citizens".²¹ Here Mokrosińska's usage of the term 'political' is similar to that of Raz. The obligations fall on the shoulders of individual citizens, but discharging the obligations is not a private matter. The obligations engage us jointly, and thus we need to discharge them by acting together and we can see each other taking actions.

Admittedly, Kimberley Brownlee criticises the view that draws a clear boundary between civil disobedience as public and conscientious objection as private. She contends that conscientious objectors also communicate to the public and "it does indicate that, to some extent, their act is a *political* act of asserting their immunity from certain laws of their community".²² This critique reveals that the political feature of the action comes from communication with other fellow members of the community. It actually strengthens the argument that the meaning of *political* involves being public, in the sense that those taking political actions enter the public domain and engage with their fellow members of the community.

²⁰ Kimberley Brown, "Conscientious Objection and Civil Disobedience," in *The Routledge Companion to Philosophy of Law* (Routledge, 2010), p. 324

²¹ Mokrosińska, "What Is Political about Political Obligation?" p.88

²² *Ibid.*, p. 533.

Drawing on these reflections on the meaning of ‘political’, I conclude that political obligations are political in the sense that fulfilment of the obligations requires action in the public domain and requires citizens to act collectively. We now have a more in-depth understanding of the challenges to the traditional narrow concept of political obligations. The challenges mentioned above are not merely saying that there is more than one political obligation. Rather, they implicitly reveal what is political about political obligations. Theorists who tend to adopt a broader understanding hold that political obligations are not necessarily about the law and obedience to the law; they are also about the proper functioning of the community, the concern for one’s fellow citizens, active participation in public affairs and redressing injustice in the community. Political obligations require citizens to step into the public forum, to engage themselves with their fellow citizens and to show concern for the quality of their collective life. Therefore, the concept of political obligations bears something in common with the notion of ‘political responsibility’, “a duty for individuals to take public stands about actions and events that affect broad masses of people and to try to organize collective action to prevent massive harm or foster institutional change for the better”.²³

2. An Expansive List of Political Obligations

In Section 1, I mentioned that some political theorists have argued for a broader understanding of political obligations. Candidates to be added to the list of citizens’ political obligations include obligations to vote, to react to injustice, active engagement in collective affairs, and mutual concern for fellow citizens.²⁴

In this project, I only consider two candidates: the obligation to participate in politics and the obligation to resist injustice and. The former is usually entailed by a republican conception of citizenship; the latter has drawn more attention in recent years.²⁵ In the following discussion, I will explain the specific contents of the two obligations. As this project adopts a natural duty

²³ Young, *Responsibility for Justice*, p.76

²⁴ Raz mentions a duty to react to the injustice perpetrated in the name of the political community is also one of the citizens’ political obligations, see “The problem of authority: Revisiting the service conception,” p.1004; Parekh also criticises the narrow definition of political obligation. For him, taking an active interest in political life, promoting the well-being of the community and redressing the injustice are also political obligations. See “A Misconceived Discourse on Political Obligation,” p. 236

²⁵ For example, Delmas’s *A Duty to Resist* and David Lyons’s *Confronting injustice: Moral history and political theory* (Oxford University Press, Oxford, 2013) both provide systemic justification for the obligation to resist injustice. In *In Our Name: The Ethics of Democracy* (Princeton University Press, 2012), Eric Beerbohm argues for a duty to resist on basis of citizens’ moral responsibility for background injustice in democratic states.

framework, I will also demonstrate how our natural duty of justice can ground the two obligations.

2.1 The Obligation to Participate in Politics

By political participation, I refer to citizens' participation and collective action in the *formal* mechanisms provided by the state to influence the law, policies and office-holders. These mechanisms include voting in elections, signing petitions, writing to representatives, participation in local self-governance, responding to consultation initiated by the government and so on. These mechanisms can exist in both democratic states and non-democratic ones. When participating in politics, it is not necessary that citizens always hold a supportive attitude towards relevant laws, policies, and candidates for relevant positions. Sometimes there are objections and the aim of participation is to bring about changes and reforms. Thus, it seems that sometimes political participation is also a type of resistance or resistance is a way to participate in politics. I concede that under certain circumstances, the line between the two can be blurred, but political participation, according to my definition, takes place through formal procedures. How to participate, what to expect and how the political institutions are to respond are clearly and formally defined by a set of rules and these rules are part of the institutional arrangements that aim to guarantee the proper functioning of the regime. A regime can hardly function well relying merely on citizens' passive support, namely, obedience to the law. Thus, the states usually encourage citizens to participate in politics, although the ways of political participation vary from one state to another.

Therefore, participation in elections, no matter a democratic one or a defective one, counts as political participation, but participation in a legal protest is better to be taken as resistance. This is because although the right to protest is protected by the law, compared with the election, the formal procedures for a legal protest are less explicitly defined (for example, there are requirements such as the police to be given a notice in advance, but there is no explicit protocol for government response). States usually encourage citizens to vote in elections and take the turnout seriously (although non-democracies might also encourage or manipulate citizens to vote for the dominant parties), but they do not usually encourage legal protests.

In a democratic context, the importance of political participation lies in its function of maintaining a regime that respects citizens' freedom. For liberal republicans who share the concern for freedom as non-domination, political participation in a democracy is necessary to preserve freedom and to protect the government from corruption.²⁶ Natural duty theorists will also recognise the significance of political participation. Recall that the first half of Rawls's formulation of the natural duty of justice requires us to support just institutions. If passive support is not enough for just institutions to maintain themselves, active support—such as voting and contributing one's voice to public deliberation—is also among our duties. It is on the basis of the natural duty of justice that Stilz articulates an argument for an additional 'Rousseauian' obligation of democratic participation that secures non-domination.²⁷ In addition, if political participation is one of the political obligations, it clearly illustrates the political nature of political obligations, because it is participation that brings citizens together and thereby facilitating their communication and strengthening the solidarity between them.²⁸

While political participation in democracies plays a positive role, its function becomes obscure and more complicated in non-democracies. Some people might worry that participation in politics in a non-democratic context, for example, voting in elections that are manipulated by the incumbent party, could reinforce the legitimacy and the stability of the current non-democratic order. Political participation seems to undermine our natural duty of justice. An empirical study conducted by Joakim Ekman reveals that post-authoritarian hybrid regimes "base their authority on 'free' elections, where the media is tilted highly in favour of the incumbents from the very outset".²⁹ The hybrid regimes in Ekman's research are those, after a period of authoritarian rule, mask the authoritarian domination with multiparty electoral competitions and do not respect human rights and civil liberties. His examples include Tanzania and Russia.³⁰ They manipulate the elections to help the incumbents remain in office. In this type of non-democratic state, it seems voting in elections actually helps with masking the authoritarian rule.

²⁶ Philip Pettit, *Republicanism: A Theory of Freedom and Government* (OUP Oxford, 1997), p.9

²⁷ Stilz, *Liberal Loyalty*, pp.201–2. To be sure, Stilz grounds the Rousseauian obligation not only on the first half of natural duty of justice but also the second half which requires us to redress injustice in institutions.

²⁸ Dagger, *Civic Virtues*, p. 132.

²⁹ Joakim Ekman, "Political Participation and Regime Stability: A Framework for Analyzing Hybrid Regimes," *International Political Science Review / Revue Internationale de Science Politique* 30, no. 1 (2009): 7–31, p.28.

³⁰ *Ibid.*, p. 7.

However, Ekman also shows that the situation can be different in post-democratic hybrid regimes. In Venezuela, for example, incumbents “have a lot to gain from low electoral turnout”.³¹ Because such states used to be democratic, the political culture is very different: citizens demonstrate stronger support for democratic governance and more confidence in the impacts of their votes. Electoral manipulation thus becomes a much less feasible and effective tactic for the incumbents.³² In this kind of non-democratic states, political participation, especially voting in elections, is helpful for citizens to regain their power.

Ekman’s findings suggest that political participation, and especially voting in elections, can play a tricky role in non-democratic states. It is unclear whether political participation can serve the natural duty of justice in a non-democratic context. However, it does not follow that political apathy in non-democracies is still not a virtue. Even if participation through the formal political process offered by the non-democratic state actually reinforces the legitimacy of the non-democratic order or consolidates the non-democratic rule, this still cannot be a reason for citizens to stay indifferent and apathetic with public affairs and show no concern for their fellow citizens. Resistance to political apathy is not for helping the law work properly and efficiently, but for collectively redressing injustice and bringing about reforms to laws, policies and political institutions. Thus, we naturally turn to another candidate of political obligations, the obligation to resist injustice, which, perhaps, is more important and worthier of consideration in non-democratic states.

2.2 The Obligation to Resist Injustice

As we have seen from the discussion above, Raz (“duties to react to the injustice perpetrated by or in the name of the community”) and Parekh (“obligation to help redress its injustices”) have made it explicit that an obligation to resist injustice should be included in citizens’ political obligations. Besides their listings, some theorists also offer more systemic arguments for a political obligation to resist injustice.

Lyons, for example, argues that some widely accepted grounds of the political obligation to obey the law, such as the principle of fairness and the natural duty of justice, actually require

³¹ Ibid.

³² Ibid., p. 25

resistance rather than conformity in the real world.³³ Delmas also argues that we should understand political obligations in the plural form and “the very grounds supporting a duty to obey”, including the natural duty of justice, the principle of fairness, the Samaritan duty and membership, “also impose duties to disobey under conditions of injustice”.³⁴ What exactly is the political obligation to resist injustice? How can a natural duty theory of political obligations support resistance to injustice?

Injustice. Political theorists usually make a distinction between two types of injustice: agent injustice and structural injustice. Agent injustice refers to injustice intentionally perpetuated by specific agents, individual or collective. Structural injustice, on the contrary, is not deliberately perpetuated by specific agents, but through the accumulation of individual behaviours under problematic social processes, structures and norms. Individuals do not necessarily intend to contribute to structural injustice and they generally believe that their behaviours are morally acceptable.³⁵

The obligation to resist injustice includes resistance to both types, but I limit my discussion to clear violations of justice over which there is no reasonable disagreement. These injustices can arise in both democratic and non-democratic states. My emphasis here is that non-democratic citizens’ obligation to resist injustice should not be conflated with an obligation to push for democratic reforms, although they have some overlapping. It seems the most prevailing injustice in non-democratic states is the injustice of the non-democratic institutions. Supported and maintained by unjust laws, non-democratic regimes directly deprive citizens of basic civil and political rights such as freedom of speech, freedom of movement, the right of association, the right to vote, and so on. They also violate some basic political principles such as the rule of law, multi-party system, and checks and balance. Therefore, it seems straightforward that to resist is to accelerate the democratisation of the state. However, besides struggles for democratic rights, citizens’ efforts to resist other injustices are also important, for instance, resistance to socioeconomic inequality and resistance to discriminative social practice.

³³ Lyons, *Confronting Injustice*, pp.156-8.

³⁴ Delmas, *A Duty to Resist*, pp.8-9.

³⁵ Young, *Responsibility for Justice*, p. 95. I mainly follow Young’s definition. For more details about her account of structural injustice, see Iris Marion Young, “Equality of Whom? Social Groups and Judgments of Injustice,” *Journal of Political Philosophy* 9, no. 1 (2001): 1–18; *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), chap. 3; and “Lived Body vs. Gender: Reflections on Social Structure and Subjectivity,” *Ratio: An International Journal of Analytic Philosophy* 15, no. 4 (2002): 411–28.

Methods of resistance. First of all, there is legal and illegal resistance. Sometimes even a non-democratic state can protect citizens' right to dissent to some degree. Resistance in this project covers both legal and illegal resistance. Illegal resistance, generally speaking, is more costly and riskier than legal resistance. Furthermore, it is also in tension with the obligation to obey the law, if there is such an obligation. Hence, I think it is a more interesting and controversial question to ask if, in principle, citizens have a more demanding moral obligation to participate in illegal resistance when confronting injustice. In the following discussion, resistance refers to illegal resistance if no special notification is given.

Second, citizens can resist injustice in civil and uncivil ways. Civil disobedience, as the literature tells us, is effective to promote justice and engage the public. Justified civil disobedience can serve as a stabilising force in the society by inhibiting departures from justice and correcting departures from it.³⁶ Even without bringing about changes in societies, it contributes to challenging dominating opinions and promotes the exchange of ideas and reflections on the ideas.³⁷ However, there is no need to limit ourselves to civil disobedience. Arguably, in many situations, uncivil disobedience can be justified and even morally required.³⁸ For example, if citizens plan to help the politically persecuted flee across the border, they must do this in secret, although civility requires publicity. The permissibility of uncivility is an independent question that I will not pursue in this chapter and this project, but in principle, I do not exclude the permissibility of discharging the obligation through uncivil resistance.

The natural duty of justice. As mentioned at the beginning of this section, both Lyons and Delmas have articulated natural duty arguments for a duty to resist. I will now draw on their arguments to demonstrate how the natural duty of justice can ground a political obligation to resist injustice. Certainly, this is not yet my full defence for the political obligation to resist injustice, as I still need to consider citizens' complicity in non-democratic states to respond to the particularity problem (Chapter 4 and 5) and to examine if different regime characters of different non-democracies affect the obligation (Chapter 6). The following discussion simply aims to demonstrate that a duty to resist is also an implication of the natural duty of justice.

³⁶ Rawls, *A Theory of Justice*, p. 383

³⁷ Dagger, *Civic Virtues*, p. 14

³⁸ Delmas offers a systemic defence for uncivil disobedience, see *A Duty to Resist*, pp. 50-68

The natural duty of justice both grounds and limits the obligation to obey; when the political institutions cannot satisfy certain thresholds of justice, the duty to obey is dissolved.³⁹ There are disagreements about the boundary conditions, the satisfaction of which requires even unjust laws to be obeyed, but there is certainly a boundary and usually, democracy is one of the boundary conditions. Lyons concurs that the natural duty of justice “cannot require anyone to comply with laws that violate basic rights”.⁴⁰ These ideas are intuitively appealing, but the obligation to obey being dissolved does not imply that citizens have no obligations at all.

The requirement of the duty of justice, under certain circumstances, is resistance rather than conformity.⁴¹ The obligation to resist injustice is grounded on the second half of Rawls’s formulation of the natural duty of justice, the duty to bring about just institutions where they are not yet established. Existing states are certainly not a vacuum of institutions, and therefore it is not enough to bring about new institutions. When state-perpetuated injustice and structural injustice exist, bringing about just institutions essentially involves condemning the injustice, stopping the injustice, and replacing the unjust arrangements. Sometimes citizens can achieve such goals by participating in politics and thereby maintaining the proper functioning of the political institutions. For example, in the U.S, citizens can organise electoral campaigns and vote in elections to prevent President Trump from winning a second term, so that many of his unjust executive orders might come to an end. But sometimes citizens have to appeal to political resistance, such as the recent anti-extradition bill protests (some are legal, and some are not) in Hong Kong. Hong Kong government and the pro-Beijing Legislative Council leave no option for Hong Kong citizens to affect the legislative process and protect the city’s rule of law through formal procedures.

For both Delmas and Lyons, the conditions for the natural duty of justice to generate a duty to comply usually cannot be met even by most liberal democracies; rather, the duty to resist is a more straightforward and significant implication of the duty of justice.⁴² In contrast, Stiliz is more optimistic about the obligation to obey in a democratic legal state. She articulates some

³⁹ Delmas, *A Duty to Resist*, pp.73-4

⁴⁰ Lyons, *Confronting injustice*, p.160

⁴¹ *Ibid.*, p. 158

⁴² Delmas and Lyons are both more critical towards the legitimacy of existing liberal democracies. Delmas argues that “modern liberal democracies fail to generate a comprehensive moral duty to obey the law insofar as they are affected by the kinds of injustice and democratic deficits outlined above.”, *A Duty to Resist*, p. 86; in a note, Lyons says that “Rawls should be distinguished from recent theorists of civil disobedience who assume political obligation and the conditions it presupposes. His theory concerns ‘nearly just’ societies, not those we know.”, note 20, p.176. For Lyons, the first part of the natural duty of justice simply does not apply to the states, including those we call democracies.

conditions for the laws to be compatible with the ‘core’ content of equal freedom, which defines a legal democratic state that has legitimate authority.⁴³ If these conditions cannot be met, citizens “may have a duty to disobey the law, or to act together with [their] fellow citizens to depose the current government”.⁴⁴

Despite their disagreements on the conditions for the natural duty of justice to generate the obligation to obey and their different assessment on existing democratic states, I think a consensus that can be drawn from their arguments is that in most non-democratic states, where their conditions cannot be met, citizens have an obligation to resist injustice, as required by the second half of the natural duty of justice. For theorists who are concerned about the duty to resist in democratic states, how to solve the tension between the duty to resist and the duty to obey is important. But if we are concerned about non-democratic states, things actually become less complicated.

So far, I have argued that at least two more obligations—the obligation to participate in politics and the obligation to resist injustice—should be added to the list of political obligations. The political nature of political obligations supports and requires this expansion. I also analysed each obligation in the context of a non-democratic state. The role of political participation, as illustrated by Ekman’s empirical study, can be quite tricky and depends on specific political cultures and other factors of different non-democratic states. Therefore, I will pay more attention to the obligation to resist injustice in the following chapters of this project.

3. Moral Responsibility, Remedial Responsibility and Political Obligations

The political nature demonstrates that political obligations need to be fulfilled by citizens acting together and acting in public. Thus, at the end of Section 1, I argued that my concept of political obligations is similar to Young’s idea of political responsibility, which has a similar emphasis on citizens’ collective action in public sphere. In the following paragraphs, I will further elaborate on the relation between responsibility and obligation. I shall argue that political obligations are a type of forward-looking responsibility. This observation helps us to

⁴³ These conditions are inspired by Kant’s emphasis on individual freedom and Rousseau’s emphasis on solidarity and political participation. The Kantian side includes personal inviolability, guarantee of a sphere of absolute negative freedom, freedom of conscience, movement and expression, and equal treatment before the law; the Rousseau sides include universal suffrage and civic solidarity (which means that everyone takes others’ interests into consideration in legislation). Together, the two sets of conditions tell us what a democratic authority is like. See detailed discussion, see Stiliz, *Liberal Loyalty*, pp. 89-97

⁴⁴ Stiliz, *Liberal Loyalty*, p. 201

distinguish political obligations from other types of responsibilities, such as moral responsibility and remedial responsibility, which also require citizens to redress injustice under certain circumstances.

3.1 Two Usages of ‘Responsibility’ and Forward-Looking Responsibility

Without any qualifiers, such as 'moral', 'causal', 'role', 'remedial' and so on, the term 'responsibility' is quite broad and under this broad category, an obligation is also a type of responsibility. What is noteworthy is that some theorists aim to make a distinction between backwards-looking responsibility and forward-looking responsibility, and obligations lie on this forward-looking side.⁴⁵ However, there is still some clarification to make about political obligations as a type of forward-looking responsibility. In the following discussion, I will first explain what theorists mean by forward-looking responsibility. Then I will distinguish the political obligation to resist injustice from moral responsibility for injustice and remedial responsibility to resist injustice.

Young is perhaps one of the most well-known advocates for the forward-looking notion of responsibility. For her, political responsibility is essentially forward-looking.⁴⁶ She makes a distinction between two ways in which we use the term ‘responsibility’ in ordinary language.⁴⁷

First, we use the term in a backwards-looking way. Responsibility can refer to liability, guilt and blameworthiness. It is backwards-looking because we assess the relevant agent's actions in the past. Our judgement that the agent is responsible for something is rooted in what she has done and the corresponding mental states. Second, we also use the term ‘responsibility’ when we refer to one’s duty attached to certain social roles and positions, such as the responsibility of a doctor, or a teacher. In this sense, “finding responsible...refers to agents’ carrying out activities in a morally appropriate way”.⁴⁸ This usage of responsibility says nothing about the agents’ faults or guilt.

⁴⁵ Holly Lawford-Smith and Stephanie Collins, “Responsibility for States’ Actions: Normative Issues at the Intersection of Collective Agency and State Responsibility,” *Philosophy Compass* 12, no. 11 (2017): e12456; Tracy Isaacs, “Collective Responsibility and Collective Obligation,” *Midwest Studies in Philosophy* 38, no. 1 (2014): 40–57.

⁴⁶ Young, *Responsibility for Justice*, 92.

⁴⁷ *Ibid.*, p. 104

⁴⁸ *Ibid.*

Young's concept "draws more on this second usage of the term 'responsibility'",⁴⁹ but forward-looking responsibility is still different from role responsibility. The difference between forward-looking responsibility and moral responsibility (and liability) is relatively clear. Moral responsibility, namely, responsibility as blameworthiness or praiseworthiness of the agent, involves a series of moral assessment and reactive attitudes we hold on the basis of what the agent has done in the past.⁵⁰ However, when assigning forward-looking responsibility, we are not evaluating the agent's moral character or prepared to "modify our standing intentions and expectations toward her", which is reactive to the agent's previous attitudes and actions.⁵¹ Still, it is not difficult to distinguish forward-looking responsibility from liability, the responsibility an agent should bear when she was "causally connected to the harm and...acted voluntarily and with sufficient knowledge of the consequences."⁵² Liability, though not necessarily involving blame, is also based on what the agent has done in the past. Forward-responsibility, on the other hand, does not have this backward search for the agent's *actus reus* and *mens rea*.

The second usage identified by Young is actually role responsibility, as the agent acquires such responsibilities by virtue of her social roles and positions.⁵³ Indeed, role responsibility does not look backwards, but it is not the only source of forward-looking responsibility. For example, a bystander or a group of bystanders have a responsibility to save a drowning child in the pond as long as saving the child poses no significant danger to the bystanders. The bystanders have no causal relation with the accident, but they still bear the responsibility to save the child, and this responsibility is not attached to any social positions the bystanders occupy. In this case, the responsibility is based on their natural duty of easy rescue.

The notion of forward-looking responsibility draws more on the second usage because such responsibility is acquired by searching for something, such as a particular social role or natural duties, that binds the agent *now* and relates them to some future consequences.⁵⁴ In summary, forward-looking responsibility, contrary to responsibility in the backwards-looking sense,

⁴⁹ Ibid.

⁵⁰ Isaacs, "Collective Responsibility and Collective Obligation," p. 41; David Miller, *National Responsibility and Global Justice* (Oxford University Press, 2007), p. 41; T. M. Scanlon, *Forms and Conditions of Responsibility* (Oxford University Press, 2015), pp. 91-2

⁵¹ Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton University Press, 2012), p. 228.

⁵² Here I follow Young's definition of liability, which perhaps is not accepted by all theorists. Young, *Responsibility for Justice*, p. 97.

⁵³ Andrea Sangiovanni, "Structural Injustice and Individual Responsibility," *Journal of Social Philosophy* 49, no. 3 (2018): 467. Actually, Sangiovanni argues that the notion of forward-looking responsibility itself is akin to role responsibility.

⁵⁴ Young, *Responsibility for Justice*, p. 92.

looks ahead to actions to be taken in the future regardless of actions that have been taken in the past.

3.2 Political Obligations as a Type of Forward-Looking Responsibility

Political obligations are a type of forward-looking responsibility; this is not only a semantic matter.⁵⁵ There are important normative implications for this observation.

First, to say that a citizen has a political obligation to resist injustice is not blaming her participation in injustice and this obligation binds victims of injustice as well. It does not blame victims for their submission to unjust terms and their own contribution to the injustice; rather, it recognises and stresses their motivation, capacity, and the importance of their voices and perspectives in the collective action against injustice.⁵⁶ It neither blames citizens who are not the victims of injustice. Less privileged citizens, or citizens as victims of injustice, and privileged citizens are under the same political obligation to resist injustice. This is not to say that citizens' moral responsibility and our moral assessment on them are not important, but these are separate questions.⁵⁷ We can still blame a citizen for her active service for the censorship department of a non-democratic state, we can still praise a citizen for her persistent efforts to protest against censorship, and we may find it difficult to morally assess a citizen who works for the non-democratic government but only due to economic pressure. However, our different reactive attitudes towards them are irrelevant to their political obligation to resist injustice, if they have such an obligation.

Second, political obligations, especially the obligation to resist injustice, should not be conflated with citizens' remedial responsibility for the injustice perpetrated by the state or tolerated by the state. So far, I have not discussed remedial responsibility. However, this conceptual clarification is important for us to understand citizens' special connection with injustice in their own state. A more detailed discussion will be given in Chapter 5, and this chapter mainly aims to outline the difference in general.

⁵⁵ Isaacs, "Collective Responsibility and Collective Obligation," p. 41.

⁵⁶ Young, *Responsibility for Justice*, pp.123-4

⁵⁷ Beerbohm develops a democratic account of complicity to distribute moral responsibility and blame across a democratic polity. As long as we can tell the causal contribution of a citizen and her democratic role in making this contribution, we can hold her liable for the political injustice in a democracy.

Remedial responsibility is solution-focused, it asks who should take the burden of helping those in need.⁵⁸ Of course, political obligations do not preclude that a citizen has a duty to redress the injustice suffered by her fellow citizens, but it asks what citizens are morally required to do, which does not emphasise a relation between solution providers and people who are deprived and suffering. Furthermore, remedial responsibility is a narrower concept in the sense that it can at most capture one dimension of political obligations, namely, the obligation to resist injustice. We simply do not regard the obligation to participate in politics and the obligation to obey the law as remedial responsibilities.

Conclusion

This chapter aimed to deal with the conceptual issues regarding political obligations. The traditional discourse of political obligations adopts a narrow understanding of the concept, regarding the obligation to obey the law as the only political obligation or the most basic one. The conceptual analysis in this challenged this traditional narrow understanding. By investigating some theorists critique to the traditional discourse and elaborating on the idea of 'political', I argued that the concept of political obligations is similar to Young's idea of political responsibility, which requires individual citizens to take public and collective action to respond to injustice and bring about changes to current institutions. The obligation to obey the law is not the only political obligation citizens may have, there is also the obligation to participate in politics and the obligation to resist injustice. We need to broaden our understanding of political obligations, especially in a non-democratic context.

I further argued that political obligations are a type of forward-looking responsibility. This can help us distinguish the obligation to resist injustice from the moral responsibility for injustice and remedial responsibility to resist injustice. Later in Chapter 4 and 5, on the basis of these important distinctions, we can better understand how citizens' complicity (participation) in non-democratic states plays the role of particularisation.

⁵⁸ *Ibid.*, p. 108.

Chapter 3 A Typology of Non-Democratic Regimes

Introduction

To explore citizens' political obligations in a non-democratic state, we need to consider what kind of non-democracy the citizens are living in. The political environment is important because it sets up the context in which we understand citizens' political actions and attitudes, the constraints they confront, and the political space where they can organise themselves to act together. In the exploration of non-democratic citizens' political obligations, we should avoid oversimplifying non-democratic regimes, taking them merely as the antipode of democratic ones and imagining them short of any legal and political institutions we can find in a democratic regime. Rather, regime characters vary from one non-democracy to another, and they might further affect citizens' political obligations, especially the obligation to resist injustice. Even though we can ultimately conclude that despite the differences in regime characters, non-democratic citizens all have similar political obligations, a regime-type-based analysis is helpful and essential for us to arrive at this conclusion. In Chapter 6, I will also consider several objections to non-democratic citizens' political obligation to resist injustice, which centre around the cost to resist, state coercion and political manipulation in non-democratic states. To respond to these objections, we need a systemic analysis of regime characters of non-democracies.

Therefore, one important task of this project is to map different non-democracies. Actually, this task, in the field of comparative politics and other empirical studies of democratisation, has attracted the attention and interests of scholars for decades. In this chapter, I will defend a two-dimensional typology of non-democratic states and on basis of it, I will outline four types of non-democratic states, which will provide more specific contexts for our following discussion in Chapter 6.

This chapter begins with critiques scholars make to the one-dimensional approach to

regime classification, which is deployed by Freedom House. This approach neglects the complexity of non-democratic states, adopts a too narrow definition of democracy and uses arbitrary criteria. I will then compare typologies proposed by Wolfgang Merkel, Jørgen Møller and Jørgen Skaaning and Jørgen Wigell, and I will argue that Wigell's model is a better starting point, as it is more suitable for exploring political obligations in non-democratic states. The final section of this chapter depicts four types of non-democratic regimes on the basis of Wigell's typology: decent regimes, populist regimes, soft authoritarian regimes and hard-core authoritarian regimes. In this chapter, I aim to demonstrate that regime characters of different non-democratic states can vary a lot from one to another. A typology of non-democracies is a necessary preparation for the exploration of political obligations, especially the obligation to resist, in non-democratic states.

1. Critiques to the One-Dimensional Approach

It is not difficult to have the consensus that between liberal democracy and pure autocracy, there is a large area of grey zone. Non-democratic states that fall into this area sometimes are called “semi-democracies” and sometimes “semi-authoritarianism”.¹ However, these hybrid regimes do not lie on a linear continuum with liberal democracy as one extreme and pure autocracy as the other. The typology of non-democracies is not a matter of degree of democraticness. Usually, it is not meaningful to compare two non-democracies--A and B and decide which is more democratic; rather, A and B are undemocratic in different ways.² Motivated by a concern for the variations in the form of non-democracies, scholars began reflecting on one-dimensional approaches to typologies. They call for refined root concepts and

¹ This is summarized by Mikael Wigell in his survey of the literature on regime typologies, see “Mapping ‘Hybrid Regimes’: Regime Types and Concepts in Comparative Politics,” *Democratisation* 15, no. 2 (2008): 230–250, p. 232.

² Ibid.

refuse to take democraticness as the dominant constitutive dimension of democracy.³ Given the limited space in this Chapter, I only survey the influential Freedom House's typology.

A satisfactory typology should first offer a satisfactory definition of the root concept of democracy. We can only know the defects and deficits of a non-democracy until we know what constitutes democracy. It is the constitutive components or the defining elements of democracy that help to locate and analyse other types of regimes. However, Freedom House fails to deal with this conceptual issue with sufficient in-depth thinking. According to Merkel's critique of the Freedom House's typology of regimes, its definition of democracy is too narrow.⁴ Under this narrow understanding, the necessary and sufficient condition of democracy is general, free and regular elections.

In defining the root concept of democracy, we should not neglect other political institutions. Merkel proposes five partial regimes of democracy, namely electoral regime, political rights of participation, civil rights, horizontal accountability and effective power to govern.⁵ Møller and Skaaning argue that these institutions include civil liberties and the rule of law.⁶ Wigell uses a more general term "constitutionalism" to summarise the institutional guarantees for meaningful democratic elections.⁷ There is a large overlapping area among the defining features proposed by the political scientists above: citizens' political rights, civil liberties, checks and balances and the rule of law.

³ Wolfgang Merkel, "Embedded and Defective Democracies," *Democratization* 11, no. 5 (2004): 33–58; Wigell, "Mapping 'Hybrid Regimes'"; Matthijs Bogaards, "How to Classify Hybrid Regimes? Defective Democracy and Electoral Authoritarianism," *Democratization* 16, no. 2 (2009): 399–423; Jørgen Møller and Svend-Erik Skaaning, "Beyond the Radial Delusion: Conceptualizing and Measuring Democracy and Non-Democracy," *International Political Science Review* 31, no. 3 (2010): 261–283.

⁴ Merkel, "Embedded and Defective Democracies," p. 34

⁵ *Ibid.*, pp. 36–43

⁶ Møller and Skaaning, "Beyond the Radial Delusion," p. 262

⁷ Wigell, "Mapping 'Hybrid Regimes,'" p. 234

To admit, Freedom House does not entirely ignore these aspects that should play an important role in defining democracy. It provides a civil liberty scale and a political rights scale to measure freedom in different countries. And on the basis of Freedom House data, especially the civil liberty scale, some scholars label different regimes with “liberal democracy” “illiberal democracy” and “semi-liberal democracy” to differentiate them.⁸ The problems are that Freedom House takes these attributes as a separate issue from democracy and the scholars’ definition of “liberal” is far less clear because of the absence of a defined root concept of liberal democracy.⁹

Also, the scoring code is criticised for its arbitrariness. For example, Merkel criticises Freedom House for offering no justification for the numerical thresholds (score 2.5, 3 and 5.5) that distinguish between liberal, semi-liberal and illiberal democracies and arbitrarily reserving only 1.5 points for authoritarian and totalitarian regimes.¹⁰

In summary, Freedom House’s approach prefers a definition of democracy narrowly focusing on elections, and a graded approach usually lacks an in-depth conceptual analysis of the liberal attributes that guarantee the meaningfulness of elections. The critiques reveal that we need to give deeper thinking about the meaning of democracy, and we have more conceptual and analytical work to do to have a satisfactory typology of regimes.

2. A Comparison between Merkel, Møller and Skaaning and Wigell

From different perspectives, Merkel, Møller and Skaaning and Wigell criticise Freedom House’s approach to regime typologies. They also propose their own typologies. They

⁸ Such labels can be found in, for example, Adrian Karatnycky, “The Decline of Illiberal Democracy,” *Journal of Democracy* 10, no. 1 (1999): 112–125; Larry Jay Diamond, “Is Pakistan the (Reverse) Wave of the Future?,” *Journal of Democracy* 11, no. 3 (2000): 91–106.

⁹ Merkel, “Embedded and Defective Democracies,” p. 34

¹⁰ *Ibid.*, p. 35

share some similarities in their critiques, but more importantly, they have considerable disagreements with each other in how to classify different political regimes. In this part, I will examine their typologies respectively and argue that Wigell's approach is more appropriate for our purpose in this project.

2.1 Merkel's Typology

According to Merkel, five "partial regimes" (understood as defining elements) all together constitute a liberal democracy: the electoral regime stays at the centre while civil rights, political liberties, horizontal accountability and effectiveness to govern serve as the guards for meaningful elections.¹¹ Civil rights refer to the rights that protect citizens against the state executives and the elected legislators infringing on individual freedom. They also protect citizens from the tyranny of the majority. Political liberties are preconditions for elections, including the right to free speech and opinion, the right to association, the right to demonstration and petition, and freedom of media. Horizontal accountability is about the division of powers, which requires the legislative, executive and judiciary bodies to be autonomous and interdependent, checking each other reciprocally. Finally, the effective power to govern means that the elected representatives are the ones who actually govern, instead of the military or the religious leaders. If one of the partial regimes is damaged, the whole regime becomes a type of 'defective democracy': when part of the adult population are excluded from universal suffrage, the regime is an exclusive democracy; when other actors such as the military take away the power in certain political domain from the hands of the elected representatives, the regime is domain democracy; when the judiciary cannot meaningfully protect the constitutional principles and thus results in the suspension of citizens' civil liberties, the regime is illiberal democracy; when the executive cannot be effectively checked by the legislative and the judiciary or the government breaks the

¹¹ There is some inconsistency in Merkel's terminology. At first, he takes "democracy" as the root concept, but after analyzing the five partial regimes in details, he begins to use "liberal democracy" more often than "democracy". As I read Merkel, he inclines to take liberal democracy as the root concept.

balance of powers, the regime is delegative democracy.¹²

Merkel suggests that besides elections, there are other defining features of democracy. He contributes to locate the defects of regimes that fall into the grey zone between autocracy and democracy, and his work demonstrates how non-democratic regimes can be undemocratic in different ways rather than undemocratic to different degrees. However, Merkel's typology is also limited in several ways. Three shortcomings of Merkel's typology have been summarised by Møller and Skaaning.¹³ First, there is an obvious overlap between the different types. For example, illiberal democracy, in which the judiciary cannot effectively protect citizens' civil rights, and delegative democracy, in which the system of checks and balances is impaired, are both related to the weak judiciary power. This makes the boundary between the two rather blurred. Second, this typology merely deals with the situation that only one of the partial regimes is damaged. It leaves us with the question of how we should locate states in which two or more partial regime are impaired. Third, in this typology, the connection between different partial regimes is not clear. For example, lack of political rights can hardly affect citizens' civil liberties, which seems to be unrealistic. There is no sufficient attention paid to the relationship and the hierarchy between the different partial regimes; they are merely regarded as radiated from the root concept of liberal democracy.¹⁴

2.2 Møller and Skaaning's Critique and Revision to Merkel's Typology

We now turn to Møller and Skaaning's typology, which is a revised version on the basis of Merkel's work. They argue that the relationship between defining elements of

¹² Merkel, "Embedded and Defective Democracies," pp. 49-52

¹³ For a full critique they make to Merkel's typology of defective democracies, see Møller and Skaaning, "Beyond the Radial Delusion," pp.263-5

¹⁴ Ibid., p. 267

democracy are not radial from the root concept of liberal democracy but hierarchical.¹⁵ They give a hierarchy of attributes of liberal democracy, arguing that only when the attribute on the lower level is established in a state, can we move up to a higher level and observe whether the attribute on this level is established.¹⁶ Some attributes are preconditions for others. Therefore, what we finally get is not diminished subtypes radiated from the root concept of liberal democracy but subtypes on different positions of a descending ladder. Figure 1 below illustrates how the hierarchical pattern works.¹⁷ Møller and Skaaning propose four attributes of liberal democracy: competitive elections, free and fair elections, civil liberties and the rule of law, which reorganise Merkel's five partial regimes. The electoral regime is broken into two more detailed attributes, "exclusive election" and "inclusive election", which lowers the requirement for a regime to be minimally democratic; as long as there is "effective electoral competition that makes for inclusion in the overarching class of democracy", the regime is minimally democratic.¹⁸ Civil liberties comprise the freedom of speech, association and assembly.¹⁹ The rule of law attribute is defined as follows: "the legal system upholds political and civil rights for the whole population and all public and private agents are subject to appropriate, legally established controls on the lawfulness of their acts".²⁰

In summary, this hierarchical model and the radial model share the common ground that a liberal democracy consists of the most basic element of elections and the electoral system must be protected by other liberal elements. The significant revision Møller and Skaaning have made to Merkel's model is the relation between different attributes of a liberal democratic regime. As we can see from figure 1, Møller and Skaaning's model

¹⁵ Ibid.

¹⁶ Møller and Skaaning, "Beyond the Radial Delusion," p. 271

¹⁷ Ibid.

¹⁸ Ibid., p. 268

¹⁹ Ibid., p. 269

²⁰ Ibid.

emphasises the importance of a vertical hierarchy: effective civil liberties presuppose inclusive elections, while the rule of law presupposes civil liberties.²¹ The radial relationship between different types of defective democracies and liberal democracy, according to Møller and Skaaning, is merely a “delusion”.²² In Merkel's typology, a regime is defective because one of the partial regimes is impaired, while in Møller and Skaaning's typology, non-liberal-democratic regimes usually have more than one defects. This revised hierarchical model is claimed to fit reality better.²³ For instance, when political rights are restricted, it is likely that citizens' civil rights are restricted, and defects can also be found in the judicial system.

²¹ Ibid., p. 275

²² Ibid., pp. 266-7

²³ Ibid., pp.270-1

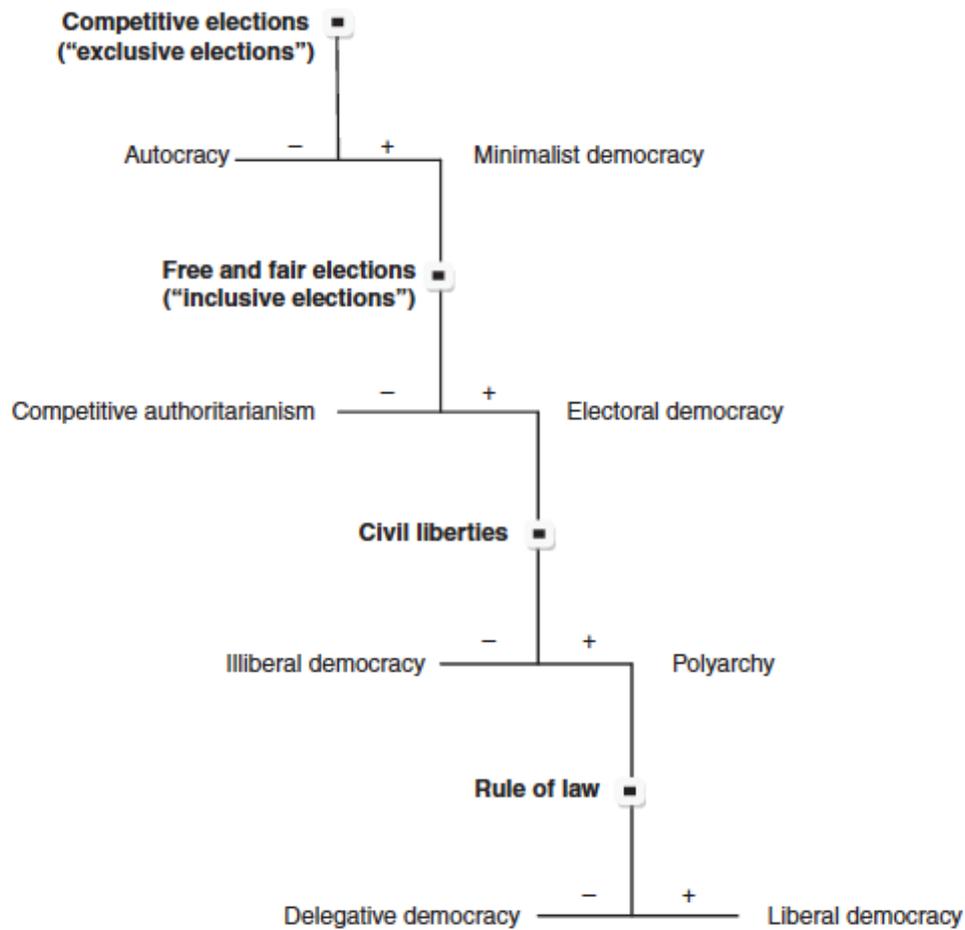


Figure 1. Descending the Ladder of Abstraction to Construct Types of Democracy

Figure 1, from Møller, J., & Skaaning, S. E. (2010). "Beyond the radial delusion: Conceptualizing and measuring democracy and non-democracy," *International Political Science Review*, 31(3), 261-283.

However, their proposal for establishing a hierarchy of various defining attributes of liberal democracy seems to go to another extreme. Following Figure 1, if a regime has free and fair elections but the attribute of civil liberties is absent, we will directly put it into the category of electoral democracy and there is no point of looking into the attribute of rule of law. But a more detailed analysis of their measurement of the various attributes reveals that even when an attribute on a lower hierarchy is absent (-) we still have reasons to look into the attribute on a higher hierarchy.

To see this, we need to go back to Møller and Skaaning's method of scoring different

attributes. Like Merkel, they use the Bertelsmann Transformation Index (BTI), which scores each attribute of a given country on a scale ranging from 1 to 10. A score of 9 or 10 denotes no defect in that attribute; scores 6,7,8 denote a moderate defect; scores 3,4,5 denote a severe defect; scores 1 or 2 denotes an extreme defect.²⁴ For the attributes of elections, the threshold for the presence of inclusive elections is 8, and exclusive elections 6; while the threshold for the presence (+) of civil liberties and the rule of law is 9, which means a score of 8 or less means absence (-) of that attribute. According to this revised version of typology, if a country gets 8 for the attribute of civil liberties, this attribute will be considered as absent (-) and the country will be put into the category of electoral democracy, and there is no need for further consideration on the attribute of rule of law. However, with a score of 8 on the attribute of civil liberties, it is reasonable to think that the country's judiciary system has some merits as well and we should not ignore the attribute of the rule of law.

To conclude, Møller and Skaaning's typology notices the hierarchical relationship between different attributes and this is an improvement compared with Merkel's typology. But arguably it pushes the notion of hierarchy to the extreme. As I shall argue in the following section, this problem makes the hierarchical typology less suitable for the purpose of this project.

2.3 Wigell's Typology

Let us now turn to Wigell's typology, which is neither radial or hierarchical. As it has been mentioned in Section 1, Wigell offers a critique to regime typologies that focus exclusively on elections, which he calls uni-dimensional typologies. Unlike Møller and Skaaning, Wigell does not elaborate a hierarchical relationship between different attributes of liberal democracy but proposes a two-dimensional typology which assigns equal weights to the electoral elements and the liberal attributes. The two-dimensional

²⁴ See BTI Transformation Index, <http://www.bti2010.bertelsmann-transformation-index.de/en/bti/ranking/>.

typology is based on the idea that democracy is a two-dimensional concept, with electoralism and constitutionalism as its constitutive dimensions. These two dimensions demonstrate the two distinct process of democratisation: “the insertion of popular power into the state through the means of elections... and the limitation of this power through the means of a constitutional order based on a rule of law”.²⁵ The two processes do not necessarily happen simultaneously and thus democratisation usually takes place in a fragmented pattern. Sometimes a country goes further on the way of limiting the powers and respecting the constitutional order, while another country achieves better results in empowering the people through elections. Therefore, different regimes will find their locations in an area surrounded by Y-axis of electoralism and X-axis of constitutionalism (or X-axis of electoralism and Y-axis of constitutionalism). As Figure 2 demonstrates, an autocracy does not necessarily transform to a democracy via the diagonal; there are another two possible routes, one via electoral democracy and the other via constitutional oligarchy.

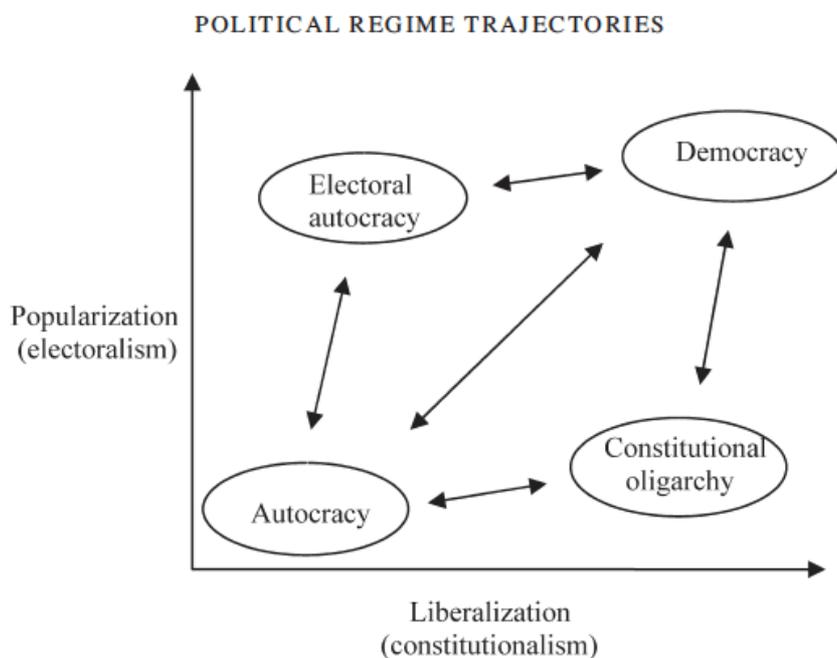


Figure 2, from Wigell, M. (2008). “Mapping ‘hybrid regimes’: Regime types and concepts in comparative politics,” *Democratisation*, 15(2), 230-250

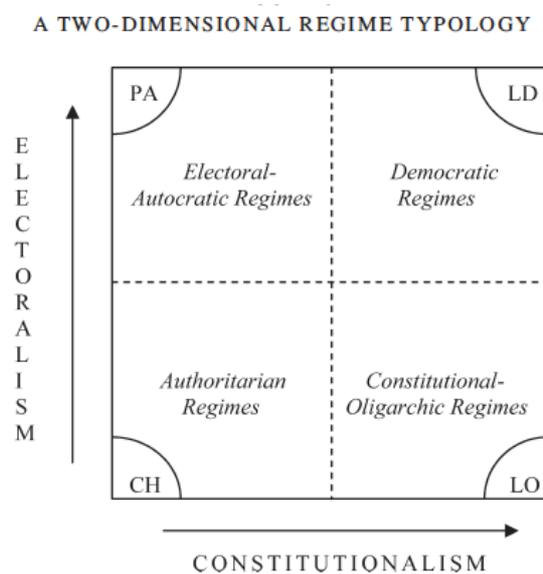
²⁵ Wigell, “Mapping ‘Hybrid Regimes,’” p. 234

At the first glance, the two dimensions seem to be more abstract than Merkel's five partial regimes and Møller and Skaaning's four attributes, but Wigell also offers a clear and detailed account of the electoralism and constitutionalism dimensions. The two dimensions have their own defining attributes, and attributes of each dimension are divided into two groups: basic attributes and additional attributes. For electoralism, the basic attribute is free, fair, competitive and inclusive elections (four minimal electoral conditions), which can be illustrated somewhere near the middle of the Y-axis in Figure 2; for constitutionalism, the basic attributes include freedom of association and expression, right to alternative information and freedom from discrimination (four minimal constitutional conditions), which can be illustrated somewhere near the middle of the X-axis in Figure 2.²⁶

These basic conditions distinguish democracies from non-democracies, but democracies defined by these basic conditions are still not liberal democracies. Wigell then lists and elaborates additional attributes for each dimension, the satisfaction of which make a democracy become a liberal democracy. The additional electoral conditions include electoral empowerment (elected representatives have the decision-making authority), electoral integrity (equal worth of every vote), electoral sovereignty (the popularly elected government is able to exercise constitutional powers) and electoral irreversibility (losers of elections accept the result and elections are regarded as the sole legitimate means for changing government); the additional constitutional conditions include executive accountability (executive power is under checks and balances), legal accountability (the presence of rule of law), bureaucratic integrity (civil

²⁶ Wigell, "Mapping 'Hybrid Regimes,'" p. 237. More specifically, free elections refer to no interference with voting and the electoral outcome; fair elections refer to "correct and impartial application of the election law", so that the opposition is not excluded from campaigning and media resources; competitive elections refer to "the right of all adult citizens to run for office"; and inclusive elections refer to universal suffrage. For the basic constitutional conditions, freedom of organization refers to the freedom to form and join political parties, interest groups and other associations and movements; freedom of expression refers to the right to express dissent and opinions in speech, discussion, demonstration, assembly and so on; the right to alternative information refers to legal protection for citizens' access to alternative sources of information outside the government and the ruling party; freedom from discrimination refers to equal treatment for all kinds of social, religious, ethnical and political minorities in political process.

bureaucracy enjoy relative independence from political parties and particularistic interests) and local government accountability (local governments are accountable to a uniform rule across the country). After listing basic and additional attributes for each of the dimension, we will get a more detailed coordinate system for different regime types. We can put different regimes into different categories given the basic and additional attributes of electoralism and constitutionalism.²⁷



Notes: 'closed hegemony' (CO), 'populist autocracy' (PA), 'liberal oligarchy' (LO), 'liberal democracy' (LD).

Figure 3, from Wigell, M. (2008). "Mapping 'hybrid regimes': Regime types and concepts in comparative politics," *Democratisation*, 15(2), 230-250

The dotted lines in the middle demonstrate the separation between basic attributes and additional attributes. Authoritarian regimes do not satisfy all of the basic conditions of constitutionalism and electoralism and therefore remain on the bottom-left; constitutional oligarchic regimes satisfy basic and even some additional conditions of constitutionalism, but they do not satisfy all basic conditions of electoralism; electoral autocratic regimes satisfy basic and some additional conditions of electoralism but do

²⁷ Wigell explains in detail how to understand and apply the two-dimensional typology, see "Mapping 'Hybrid Regimes,'" pp. 243-5

not satisfy all basic conditions of constitutionalism; democratic regimes satisfy basic conditions of both dimensions and also some additional conditions.

It is worth emphasising that, except for democratic regimes in the top right square, the other three regimes are all types of non-democracies. Also, on each of the corners of the four types, lie the ‘pure’ types. The pure type of an authoritarian regime is a closed hegemony in which none of the basic conditions of the two dimensions is satisfied; for the constitutional oligarchic regimes, the pure type is a liberal oligarchy, in which even most additional conditions of constitutionalism are met but most basic conditions of electoralism are not met. The antipode of a liberal oligarchy is a populist autocracy, which is the pure type of electoral autocratic regimes; liberal democracy is the pure type of democratic regimes. Democracies can be further divided into additional subtypes depending on how a particular democratic state satisfies the additional attributes.²⁸

So far, I have presented three typologies of political regimes. I have demonstrated how Wigell’s typology is different from those of Merkel’s as well as Møller and Skaaning’s. Wigell refuses to give special weight to the dimension of electoralism and does not conform to the notion of hierarchy in mapping hybrid regimes. The remaining question is, why is this two-dimensional typology better than the radial and hierarchical typology? The reasons are as follows.

First, unlike Merkel’s radial typology, the two-dimensional typology assigns equal weights to constitutionalism and electoralism. In Merkel’s typology, the electoral regime has a higher status than other partial regimes, while Wigell does not assume this. For Wigell, the liberalisation process and the popularisation process are equally significant for democratisation. The implication is that there is no such thing as a

²⁸ For a typology of democratic regimes, see Wigell, “Mapping ‘Hybrid Regimes,’” pp.245-7. As the typology of democracy is not the focus of this chapter and this project, I will not further discuss different democratic states.

‘minimalist democracy’ that merely presents some electoral elements. Thus, electoral autocratic regimes are not more democratic than constitutional oligarchic ones. They are, as Wigell has repeatedly stressed, non-democratic in different ways. This is important for exploring political obligations in non-democratic states, for we need to know how citizens are constrained in the political space where they can act qua citizens. Lack of the right to vote is not the only obstacle citizens confront in non-democratic states. The constitutional dimension cannot be neglected even when the electoral system is corrupted, manipulated and impaired. Even two non-democratic states are both defective in their elections, their constitutional conditions can be very different. Defects in the constitutional dimension restrict the options citizens have to resist injustice and participate in politics, and they are also among the forces that shape citizens’ political attitudes and the way they reflect upon their state. I will explore these differences in greater depth in Chapter 6.

Second, Wigell’s typology solves a problem of the hierarchical typology, which has been indicated at the end of Section 2.2. In Wigell’s typology, some regimes satisfy basic or even additional conditions of one dimension while do not satisfy all basic conditions of the other dimension, such as electoral autocratic regimes and constitutional oligarchic regimes. However, constitutional oligarchic regimes, according to Møller and Skaaning’s typology, cannot exist. According to the hierarchical typology, as civil liberties presuppose inclusive elections, constitutional oligarchic regimes are simply illogical. If regimes do not satisfy all the basic conditions of electoralism, it is likely that they do not satisfy Møller and Skaaning’s attributes of competitive elections or free and fair elections. This means a regime of this kind is a competitive authoritarian regime at most.²⁹ Therefore, it is unlikely Møller and Skaaning’s typology will cover constitutional oligarchic regimes, but Wigell does give

²⁹ To be sure, their methods are very different. While Møller and Skaaning use a graded approach, Wigell’s methodology is mainly qualitative. Therefore, it is not necessarily the case that all states with the absence of some basic electoral attributes will fall into Møller and Skaaning’s categories of “minimalist democracy” or “competitive authoritarianism”. However, we can still expect a large enough overlapping.

several real-world examples, including Hong Kong, Singapore and Malaysia.³⁰ Furthermore, we cannot distinguish, for example, regimes with the presence of civil liberties or rule of law and the absence of free and fair elections from regimes that lack all of these attributes. The problem is that political regimes, according to Møller and Skaaning's typology, stays on a conceptual ladder which conforms to a strict hierarchy. For a non-democratic state to transform into a democratic one and finally to a liberal democracy, there is only one route offered by the ladder.³¹ An autocracy has to incorporate competitive elections to become a minimalist democracy; a minimalist democracy has to have inclusive elections to transform to an electoral democracy; a democracy must continue to guarantee civil liberties to evolve into a polyarchy before rule of law is established, which eventually completes the democratisation process. In other words, a non-liberal-democratic regime has to be democratised step by step along the route given by the conceptual ladder.

However, I wonder if this fits into reality, although Møller and Skaaning claim so.³² At least, Wigell gives us some real-world examples that do not stay on Møller and Skaaning's conceptual ladder. Singapore, Malaysia and Hong Kong are examples of constitutional oligarchic regimes while Argentina during 1946-1955 and Venezuela under Hugo Chavez are representatives of electoral autocratic regimes. Although it is not clear if all of the regimes above will end up as a liberal democracy, they are off the route given by the conceptual ladder.

The conflict between the two typologies, I believe, boils down to whether we are more concerned about regime characters in the long run or political situation in the short-term. The hierarchy relationships between different defining attributes of a liberal

³⁰ Wigell, "Mapping 'Hybrid Regimes,'" p. 245

³¹ And *vice versa*, from a liberal democracy or other types of regimes on a higher level of the ladder to an authoritarian one, there is only one route to deteriorate.

³² They claim that "the empirical regularities of the typological ordering are extremely evident". For a full defence of the robustness of their findings, see Møller and Skaaning, "Beyond the Radial Delusion," pp.271-2

democracy are plausible, but it is mainly plausible in the long run. From the conceptual analysis, we have convincing arguments to establish relationships between the attributes, such as causality, interdependence and so on. But in the real world, there are short-term exceptions as those examples mentioned by Wigell. It is likely that regimes not following the hierarchical logic will not survive in the long run. Hong Kong is a good example to demonstrate this point. Until today, Hong Kong has no free, fair, competitive elections, and the Umbrella Movement in 2014 was a collective effort of Hong Kong citizens demanding “real universal suffrage”.³³ Nevertheless, regarding civil liberties, the rule of law and other constitutional attributes, Hong Kong has a good record for a long time.³⁴ However, in the long run, this special status is unlikely to be a stable balance. Civil liberties and the rule of law are under clear threat when the chief executive and half of the members in the Legislative Council are chosen through unfair elections heavily influenced by Beijing. Meanwhile, Hong Kong citizens realise that universal suffrage is the guarantee for the rights they have enjoyed and their pursuit for a genuine democracy has never ceased. There are two possible results: either Hong Kong citizens’ struggle for free, fair and competitive elections succeed, or the government infringes on civil liberties and rule of law to prevent democratic movements and other political resistance, which. No matter what happens ultimately, Hong Kong has been an outlier of Møller and Skaaning’s typology for decades. Thus, Wigell is not wrong, for the current regime of Hong Kong has already survived for a long period, long enough to have profound influences on the lives of generations of people. For the purpose of this project, exploration of citizens’ political obligations in non-democratic states, short-term exceptional situations can be more important than long-term political trends. The reason is that we need to know the specific political space where citizens act, as well as the specific constraints they are faced up with.

³³ For more information about the movement, see “Umbrella Movement,” in *Wikipedia*, June 9, 2019, https://en.wikipedia.org/w/index.php?title=Umbrella_Movement&oldid=901050283.

³⁴ Although in this project I do not use the typology offered by Freedom House, its yearly updated data and information are helpful to illustrate Hong Kong's excellent performance in the aspect of "civil liberties". For example, in 2018, its score on civil liberties is the same as that of France. See “Hong Kong *,” January 4, 2018, <https://freedomhouse.org/report/freedom-world/2018/hong-kong>, and “France,” January 4, 2018, <https://freedomhouse.org/report/freedom-world/2018/france>.

Wigell's typology thus is a better candidate.

To conclude, the typology of non-democracies in this project aims to help us to understand citizens' political obligations in non-democratic states. With a plausible typology of non-democracies, we can avoid misunderstanding all non-democracies as merely the reverse of democracies. As argued above, Wigell's typology fits better with the purpose of this project. The two-dimensional typology is able to incorporate more short-term exceptions, which, in the long run, tend to evolve into democracies or deteriorate to authoritarian regimes. However, it is short-term exceptional situations that shed light on citizens' collective action now and here.

3. Four Subtypes of Non-Democracies

In this section, I will explain how I will apply this typology to my research project. Like democratic regimes, the three types of non-democracies in Figure 3 also have their own subtypes. Wigell offers four subtypes of democracies, including electoral democracies, limited democracies, constitutional democracies and liberal democracies, but no subtypes of other non-democratic regimes.³⁵ In this chapter, I do not aim to develop Wigell's typology to conceptualise all subtypes for each type of non-democratic regimes. Rather, drawing on Wigell's typology, I will only depict four subtypes of non-democracies to narrow down the discussion. The purpose is merely to give one or two typical and detailed cases for each type of non-democratic regime. The method here is similar to the one which Rawls deploys in *The Law of Peoples*. Rawls considers five types of societies, one of which is decent peoples. But his discussion actually concentrates on only one subtype of decent people, namely, "decent hierarchical peoples".³⁶

³⁵ Wigell, "Mapping 'Hybrid Regimes,'" p. 246

³⁶ John Rawls, *The Law of Peoples: With "The Idea of Public Reason Revisited"* (Harvard University Press, 2001), p. 63.

A decent regime is a subtype of a constitutional oligarchy. A populist regime belongs to the category of electoral autocracy. For the authoritarian regimes, I specify two subtypes. One is the hard-core authoritarian regime and the other is the soft authoritarian regime.

3.1 Decent Regimes

As the name indicates, this case is inspired by John Rawls's notion of decent peoples or decent societies.³⁷ There are some similarities between Rawls's account of decency and mine, but my focus is regime characters.

As mentioned at the beginning of Section 3, Rawls only discusses hierarchical decent societies. There are three domestic criteria for this type of society. First of all, such societies respect and secures human rights, which include the right to life, the right to liberty (not only personal but also freedom of conscience, religions and thought), and formal equality. Second, members of such societies are regarded by the law as capable and responsible to participate in social cooperation with a sense of justice and obligation. Third, those who administer the legal system of decent societies have a sincere belief that the law is guided by a common good idea of justice.³⁸ The decency of such societies lies in the features above.

On the other hand, decent hierarchical societies are not liberal, for some liberal democratic tradition of thoughts are foreign to it, such as the concept of one person, one vote.³⁹ In a decent hierarchical society, "persons belong first to estates,

³⁷ Ibid., pp. 62-78

³⁸ Rawls, *The Law of Peoples*, pp 65-6.

³⁹ Ibid., p.73

corporations, and associations—that is, groups.”⁴⁰ Their interests are represented through these groups rather than themselves as equal and independent citizens; for example, a woman’s rights and interests are represented by the male head of her household.⁴¹

To be clear, Rawls’s description of decent hierarchical societies can hardly fit in the category of constitutional oligarchic regimes in Wigell’s typology. The existence of consultation hierarchy implies defects in the four basic attributes of electoralism, which includes free elections, fair elections, competitive elections and inclusive elections. Respect for basic human rights, members being regarded as capable of social cooperation, a legal system guided by a common good idea of justice, formal equality, and a certain level of tolerance for dissent cannot guarantee decent hierarchical societies incorporate all basic and some additional attributes of constitutionalism. Therefore, it cannot be identified as a constitutional oligarchic regime. One problem with Rawls’s hierarchical decent societies is that decency, as the most important feature of such societies, is not sufficiently clear and highlighted. It seems that the decency lies in the societies’ satisfaction of certain constitutional conditions, which has not been explicitly spelt out. Drawing on Rawls’s idea, I aim to refine this idea and construct decent regimes based on Wigell’s comparative politics study.

A decent regime does not fulfil the electoral minimum. We can imagine a decent regime in which all adult citizens have the political right to vote, but they can only vote for half or less than half of the legislative representatives. Other representatives are elected in an indirect way and are all from the ruling party. Also, compared with the indirectly elected representatives, these directly elected representatives do not enjoy the same media resources in electoral campaigns and they are faced up with more restrictions in the process of fund-raising. Consequently, the opposition always has some

⁴⁰ Ibid.

⁴¹ Ibid., p. 79

disadvantages in elections. In summary, the electoral system of the decent regime is unfairly benefiting the ruling party and not competitive enough.

However, a decent regime of this kind can have a good record on the constitutional dimension. It respects basic human rights, not only the ones in Rawls's hierarchical decent societies. Citizens in the decent regime can form and join different types of association, freely express their opinions and interests regardless of their ethnic, religious, gender, cultural or other types of background, and they also have access to information from independent and foreign media without routine censorship. Besides these basic constitutional conditions, it also incorporates some additional attributes of constitutionalism. Wigell's four additional constitutional conditions—executive accountability, legal accountability, bureaucratic integrity, and local government accountability—all point to a generally good function of the rule of law.⁴² Therefore, for simplicity, a decent regime is one which respects the right to free association, free expression, equal treatment and alternative information, and has a well-functioning rule of law. However, a decent regime still lacks elections that are sufficiently fair and competitive enough.

3.2 Populist Regimes

I further elaborate a populist regime which belongs to the category of electoral autocratic regimes. Electoral autocratic regimes are regimes that fulfil the minimal electoral conditions but not the minimal constitutional conditions. Electoral autocracies are widely discussed in the study of hybrid regimes.⁴³ As Wigell puts it, “[r]egime

⁴² The executive branch is constrained by a set of constitutional rules, the independence and impartiality of the judiciary is respected and not interfered by political pressure, the bureaucracy also maintains its integrity and independence from partisan interests, and local governments are accountable and subject to the same set of rules without being manipulated by local elites and powers. For details of the checklists of basic and additional attributes of constitutionalism, see Wigell, “Mapping ‘Hybrid Regimes,’” pp. 237-8; p. 240

⁴³ Here are some examples: Larry Diamond, “Elections without Democracy: Thinking about Hybrid Regimes,” *Journal of Democracy* 13, no. 2 (2002): 21–35; Andreas Schedler, “Elections without Democracy: The Menu of Manipulation,” *Journal of Democracy* 13, no. 2 (2002): 36–50; Andreas Schedler, “Electoral Authoritarianism,” *The SAGE Handbook of Comparative Politics*, 2009, 381–94; Matthijs Bogaards, “How to Classify Hybrid Regimes?”

subcategories such as hegemonic-, competitive- and electoral-authoritarianism identified by the literature in hybrid regimes are perhaps to be found among these cases.”⁴⁴ I fill in some more details of a populist regime as follows:

The regime has free, fair, competitive and inclusive elections. All adult citizens have the right to vote for their representatives and the president. Different political parties and candidates compete with each in the electoral campaigns on a fair platform. We can further assume that such populist regime can effectively empower the elected officials, guarantee the elected government’s exercise of powers, and prevent other actors (for example, the military) from jeopardising the final results of the elections.⁴⁵ Meanwhile, the populist regime does not fulfil the constitutional minimum. For example, the elected president of such a regime shows little respect for the constitutional rules and his power is not well fettered. After the election, the president, relying on his charisma and popular support from the majority of the population, starts to push legislation that threatens citizens civil liberties. For example, in the name of state security, the bills might undermine the freedom of the press and limit citizens' right to free speech and alternative information. The state, under the administration of the president, may become less tolerant with political dissent and social minorities. Opposition activists get arrested and discrimination against social minority groups revives.⁴⁶ It is more likely that such a populist regime is sliding from a democratic regime due to the rise of populism, and thus I concede there is still room for further regime changes. The conditions for free, fair, competitive and inclusive elections may keep deteriorating until the regime becomes an authoritarian one. However, as stressed above, such short-

Defective Democracy and Electoral Authoritarianism,” *Democratization* 16, no. 2 (2009): 399–423. In this Chapter, I follow Wigell’s depiction of electoral autocracies.

⁴⁴ Wigell, “Mapping ‘Hybrid Regimes,’” p.244

⁴⁵ According to this description, the populist regime satisfies the following additional electoral attributes: electoral empowerment, electoral sovereignty, electoral irreversibility, but not electoral integrity. The reason for setting up the populist regime in this way is that electoral integrity requires 'one person, one vote', but in practice, the electoral mechanism can hardly realise this ideal even in "perfectly clean elections". For a detailed discussion of the additional electoral attributes, see Wigell, “Mapping ‘Hybrid Regimes,’” pp.238-40

⁴⁶ One example from the real world can be Turkey, a detailed discussion can be found in Ece Temelkuran, *How to Lose a Country: The 7 Steps from Democracy to Dictatorship* (Fourth Estate, 2019).

term situations are still meaningful and important for us to understand citizens' political obligations and how they can discharge these obligations.

3.3 Soft Authoritarian Regimes and Hard-Core Authoritarian Regimes

Finally, there are two cases of authoritarian regimes. I call one of them the soft authoritarian regime and the other the hard-core authoritarian regime. In both cases, the regimes meet neither the basic electoral condition nor the basic constitutional conditions. They differ from each other in the ruling methods.

Soft Authoritarian Regimes

A soft authoritarian regime incorporates some basic attributes of both electoralism and constitutionalism, but not all of them. One important reason for taking the authoritarian rule as a soft one is that the regime aims to 'persuade' the citizens to accept the rule. Thus, it has intensive political education but at the same time allows citizens to have access to alternative information. There is censorship, but it is limited to only several highly sensitive topics, otherwise, citizens can still criticise the government and object to certain laws and policies. Civil societies have some space to develop and function, and the state also makes efforts to cooperate with some civil society organisations to enhance its governance and consolidate citizens' support for the state. There is some discriminative social practice against some minority groups, but no social groups are excluded from participating in the political process. As for the electoral aspect, a soft authoritarian regime has symbolic elections, but there is no meaningful or fair political competition between different political parties.

Hard-Core Authoritarian Regimes

On the other hand, a hard-core authoritarian regime even does not aim to 'persuade' its

citizens but imposes a political order on them mainly relying on coercion. A hard-core authoritarian regime is similar to the pure type of authoritarian regimes, which Wigell calls “closed hegemony”.⁴⁷ There are no free, fair, competitive and inclusive elections. Also, citizens have no right to form their own civil society organisations. They have no right to alternative information and free speech, for all information is subject to strict censorship. Dissent is repressed, and activism is punished. Some minority groups are even subject to formal discrimination. Compared with a soft authoritarian one, a hard-core authoritarian regime deploys much fewer soft means to engage citizens into the political process. The ruling method, rather, is simply repressing and punishing any disobedient behaviours and rebelling ideas.

Conclusion

In this chapter, I reviewed several approaches in the literature to conceptualise democracy and classify different regimes. These include Merkel's radial typology, Møller and Skaaning's hierarchical typology, and Wigell's two-dimensional typology. I argued that Wigell's typology is more suitable for the purpose of this project than the other two, for it allows "multiple paths of political evolution through any combination of popularization and liberalization", and thus accommodates short-term exceptions and hybrid regimes with more than one institutional defect.

Drawing on Wigell's two-dimensional typology, I depicted four cases of non-democratic regimes. A decent regime can be found in the category of constitutional oligarchy, a populist regime can be found in the category of electoral autocracy, and soft and hard-core authoritarian regimes both belong to the category of authoritarian regimes. Certainly, these four cases cannot exhaust all forms of non-democratic regimes, and they are not part of the efforts to conceptualise subtypes of each category of the non-democratic regime, either. The aim, however, is to provide some more specific and

⁴⁷ Wigell, “Mapping ‘Hybrid Regimes,’” p.244

detailed contexts in which we can understand the constraints citizens are faced up with and the political space they have to organise themselves to act together. As it will be demonstrated in Chapter 6, a regime-type-based analysis is helpful and necessary for us to examine whether regime characters affect citizens' political obligations, especially the obligation to resist injustice.

Chapter 4 Complicity in Non-Democratic States: A Participatory Account

Introduction

In Chapter 1, I proposed a hypothesis that non-democratic citizens are complicit in the state. I argued that if this hypothesis is true, Stilz's natural duty account of political obligations can be applied to a non-democratic context and explain non-democratic citizens' political obligations. Complicity will explain the particularity of non-democratic citizens' political obligations, just as democracy as collective action explains democratic citizens' political obligations. I leave the in-depth analysis of the relation between complicity and political obligations to Chapter 5; my aims in this chapter are to prove the hypothesis and to depict three types of complicitous citizens on the basis a refinement to Kutz's account of complicity.

Before proving the hypothesis, we first need to understand what complicity is. Complicity is a familiar topic in criminal law. When more than one person participates in an offence, the question of complicity may arise.¹ In the law, generally, complicity is aiding, abetting, counselling or procuring others in a joint criminal activity.² The notion of complicity is also widely used beyond the area of law. For example, it has been argued that ordinary consumers are complicit in global labour injustice.³ The hypothesis that I am going to examine in this chapter also uses the idea beyond the area of law. In different contexts, the notion of complicity is used in different ways with various connotations. In this chapter, I argue that as long as citizens know that their obedience and tax payment contribute to the maintenance of the non-democratic order and they make the contribution in light of this knowledge, they are complicit in the state. Particularly, citizens intending the non-democratic political order to be maintained are co-principals in the state's actions.

¹ Jeremy Horder, *Ashworth's Principles of Criminal Law* (Oxford University Press, 2016), p.430.

² *Ibid.*

³ Holly Lawford-Smith, "Does Purchasing Make Consumers Complicit in Global Labour Injustice?," *Res Publica* 24, no. 3 (2018): 319–338.

I begin with Kutz's account as a promising candidate. For Kutz, complicity is a special case of collective action, of which the defining element is participatory intention.⁴ However, objections to Kutz's account must be taken seriously. As well as replying to these objections, I make a refinement to Kutz's account to distinguish various *types* of complicity according to different types of participatory intention.

The chapter is structured as follows. Section 1.1 presents Kutz's account of complicity, which is also known as a representative of the participatory account. Section 1.2 discusses objections to Kutz's account, including Chiara Lepora and Robert E. Goodin's alternative understanding of complicity. Section 2 defends the participatory account of complicity. Section 2.1 discusses non-causal participation, Section 2.2 challenges the 'others' wrongdoing' standard, and Section 2.3 clarifies the meaning of participatory intention, which has often been misunderstood. On the basis of these conceptual clarifications, section 3 applies a refined participatory account to citizens in non-democratic states. I also anticipate several objections to the refined account and will briefly respond to them.

1. The Participatory Account of Complicity and Its Opponents

Recall that in Stilz's solution to the particularity problem, she understands collective action as shared intentions. On her list of theorists who have put forward this view, there are Michael Bratman, Christopher Kutz and Seumas Miller, and Stilz follows Bratman in modelling democratic citizenship.⁵ But Bratman's account of collective action is relatively demanding. Kutz, on the other hand, has less demanding criteria. He also offers an analysis of complicitous accountability on his model of collective action. As indicated in Chapter 1, I will use Kutz's view to elucidate how non-democracy can also be regarded as a collective activity in which citizens are complicit.

⁴ Kutz, *Complicity*, p.74.

⁵ Stilz, *Liberal Loyalty*, p. 177; p. 181.

In the following, I will present the debates on complicity between Kutz and his opponents. One disagreement between Kutz and his opponents is whether complicity requires a causal contribution. Another one is whether the wrongdoing is also the accomplices' wrongdoing or it is only the principals' wrongdoing to which the accomplices contribute. If the agent has a share in the wrongdoing, according to the objections, she becomes a co-principal rather than a complicit agent.⁶ The third disagreement is on the mental state of the accomplice. Contrary to Kutz, Lepora and Goodin argue that the necessary subjective element for complicity is awareness rather than intention.⁷

Section 1.1 revisits Kutz's model of collective action and the Complicity Principle which is developed on the basis of this model. Section 1.2 presents John Gardner's critique of this participatory account and Lepora and Goodin's alternative account of complicity, defining complicity as knowingly contributing to wrongdoing.

1.1 Participatory Intention, Complicity and Moral Accountability

Briefly speaking, Kutz defines collective action as intentional participation. Collective action is "primarily a function of the way in which individual agents regard their own actions as contributing to a collective outcome", and "this way of regarding one's own action is acting with a *participatory intention*".⁸ Later in this section, I will provide more analysis of this concept and explain its difference from a pure intention for bringing about the joint goal.

Despite the agreement between Kutz and Bratman that shared intention is constitutive

⁶ See John Gardner, "Review of Complicity: Ethics and Law for a Collective Age, by Christopher Kutz." *Ethics* 114 (2004): 827-830, and Chiara Lepora and Robert E. Goodin, *On complicity and compromise* (Oxford: Oxford University Press, 2013).

⁷ Lepora and Goodin, *On Complicity and Compromise*, pp. 80-1.

⁸ Kutz, *Complicity*, p.74

of individual intentions of participants, Kutz does not take the condition of mutual expectation and responsiveness to be essential: participants do not have to have strong expectations about each other's intentions. In contrast, Bratman's model requires that the shared intention is common knowledge among participants of the collective activity.⁹ With determinate expectations, a participant in a collective activity is willing to do her part if others do theirs. But with weak expectations, a participant is willing to do her part as long as others *might* do their parts. To see this, consider the example of the mob storming the Bastille that kicked off the French Revolution.¹⁰ An individual in the mob might not have strong beliefs that such a large number of people would involve in the attack. However, without common knowledge of each other's plans and intentions, we still think that the prison was stormed jointly by the mob. Most participants regarded their action as part of a collective goal (destroying the prison) instead of purely an individual and isolated act of expressing their own anger; that is, they acted with a *participatory intention* to destroy the prison. This participatory intention does not necessarily depend on the determinate expectation that other people would join, although many participants did have such an expectation given that the riot already happened when they decided to join in. The intention is described as 'participatory' because people who acted with the intention did not rule out the prospect of others joining in.¹¹

Further, it is not necessary for the participants to intend the whole joint project to be successfully realised: the cooperating agents can have very different conceptions of what they do.¹² That is to say, there can be alienated participants in collective action. They might have little interests in the goal of the collective project; they might have no views concerning what the group as a whole should do.¹³ They still intentionally contribute to the group efforts but are not committed to the success of the group venture.

⁹ Michael E. Bratman, *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge University Press, 1999), p.118-9.

¹⁰ Kutz, *Complicity*, p.92.

¹¹ *Ibid.*

¹² *Ibid.*, p.90-91

¹³ *Ibid.*, pp.96-103

Not all collective action is like two people taking a walk, in which one intends walking together and the other intends the same action. A junior member of a company is a participant in the collective activities of the company, but this is not because she intends the success of the business of the company in the same way as the CEO and other high-level executives do; she might only intend to do her own job and increase her income. She is still a participant because she is clear that her job contributes to the collective goals of the company, whatever they turn out to be.¹⁴

Third, Kutz suggests that difference-making is not necessary for an agent to be a participant of a collective action.¹⁵ For example, in an election, an individual voter's marginal effect is nearly non-existent given the large number of voters (unless there is a tie, which rarely happens in national elections), but citizens in the election are still acting together. Although it might be argued that it is the expressive gains in the voting that explains the absence of actual impact and rationalises the behaviours of the voters, such explanation fails to address the collective aspect of voting.¹⁶ Citizens are acting together not in the sense that they cast the votes to express themselves simultaneously. As Kutz stresses, voting is an activity that only makes sense when "done as a part of a group".¹⁷ Since we cannot overlook the other-directedness of voting, Kutz contends that voting should be conceived as a joint activity in which voters see themselves as contributing to the collective goal of realising their civic freedom through the collective self-determination procedure.¹⁸ As long as citizens conceive their voting as constitutive of their self-determination which is necessarily a collective effort, the impact of a single vote does not change the nature of casting a vote in the election.

All in all, this model of collective action proposes a much less demanding threshold for

¹⁴ Tracy Isaac has a similar view regarding individuals' intentions in an organisation. She makes a distinction between the intentional structure of organisations and intentions at the individual level. See Tracy Isaacs, *Moral Responsibility in Collective Contexts* (OUP USA, 2011), pp. 30-1.

¹⁵ *Ibid.*, p. 201.

¹⁶ Kutz, "The Collective Work of Citizenship," *Legal Theory* 8, no. 4 (2002): 471-494, p. 485.

¹⁷ *Ibid.*, pp. 483-4.

¹⁸ *Ibid.*, pp. 485-92

collective action, enabling us to understand large-scale collective action, in which the shared intentions for action might be obscure, alienated participants and hierarchical structures exist and not all participants make a difference. This minimalist definition is echoed by Shapiro's critique that Bratman imposes overly restrictive conditions on the intentionality of participants of collective action and thus his account applies only to small-scale shared activities.¹⁹

On basis of this model of collective action, Kutz's Complicity Principle deals with the problem of individual accountability in collective wrongdoings: a person is accountable for what others do when she intentionally participates in the wrong they do or harm they cause. She is accountable for the harm or wrong they do together, independently of the actual difference she makes.²⁰ The Complicity Principle ties three concepts together: collective action as intentional participation, complicity and moral accountability: intentional participation in a collective wrongdoing is complicity, and complicity implies moral accountability. Accordingly, participants who merely obey the order, know little about the functioning of the large group, care little about the success of the whole project and make no difference to the collective outcome are also responsible, to some degree, for the wrong done by the group.

However, although *moral* accountability for the collective wrongdoing is included in the Complicity Principle and in ordinary language we generally assume this connection between complicity and moral responsibility, blameworthiness is not the only focus we have. It is not the only normative implication of complicity, either. Sometimes we cannot blame the agent (for example, the agent has excuses), but we still think her complicity in a wrongdoing puts her under a certain burden to make a compensation or address the problem. In this project, I draw on Kutz's account of complicity to prove the hypothesis in Chapter 1, but I do not make an immediate connection between complicity and moral responsibility. In my view, moral responsibility is just one

¹⁹ Shapiro, "Massively shared agency," pp.276-7

²⁰ *Ibid.*, p. 122.

normative implication of complicity.²¹

1.2 Contribution, Knowledge and Complicity

In this section, I will consider three objections raised against Kutz's account of complicity. As mentioned, the first objection is concerned about if complicity requires causality, the second one is concerned about the distinction between participation and contribution, and the third one is concerned about the mental states of the agent.

Complicity and Causality

As mentioned, Kutz's model of collective action and his account of complicity does not require the agent to make a difference to the final outcome and therefore, he emphasises that his account is "teleological rather than causal".²² Gardner, however, insists that because the agents' participation is still required, there is a causal basis that is overlooked in Kutz's account.²³ The complicitous agent participates by making a causal contribution to others' wrongdoing. Gardner makes a distinction between making a difference and making a causal contribution through an example of overdetermination.²⁴ An arm dealer might claim that he makes no difference to a crime in which the criminal purchased the weapon from him, but he cannot claim that he made no causal contribution. It is true that had he not supplied the weapon other dealers would have sold it and the crime would happen. However, it is he who actually sold the weapon to the criminal and selling the weapon is the causal contribution to the criminal's wrongdoing. In such overdetermination cases, individuals' efforts can neither be necessary or sufficient for the final outcome. However, there is still a causal relation between the individuals' action and outcome, and this causality is what

²¹ Similarly, Pasternak does not focus on moral accountability although she also models the intentional citizenship using Kutz's Complicity Principle. She clarifies that she "focus[es] specifically on 'liability-responsibility': the responsibility to bear the burdens that result from a harm". See Avia Pasternak, "Limiting States' Corporate Responsibility," *Journal of Political Philosophy* 21, no. 4 (2013): 361–381, p. 363.

²² Kutz, *Complicity*, p. 140.

²³ John Gardner, "Review of *Complicity: Ethics and Law for a Collective Age*, by Christopher Kutz," p. 828.

²⁴ *Ibid.*

complicity requires from the *actus reus* of the complicit agent.²⁵

Gardner suggests that negligence of the causal basis in complicity results in an implausible implication. If complicity does not require a causal relation between the *actus reus* and the wrongdoing, sometimes it might altogether abandon the need for *actus reus*: “Once in a while he (Kutz) seems to take his complicity principle across the line into the domain of the vicarious liability”²⁶. Complicity liability is personal liability, which attaches to the action of the liable agent. But vicarious liability is a liability for someone else’s wrong. Gardner points out that the Complicity Principle not only covers cases of complicity but also cases of vicarious liability, for example, shareholders of a company who commit no wrong but are accountable for the accidents of the company.²⁷ This is not a case of complicity; instead, it is people having vicarious liability for the wrongs of the collective to which they belong.

The ‘Other’s Wrongdoing’ Standard

Elsewhere, Gardner argues that complicity always requires causal contribution; this is a necessary element in the *mens rea* of the agent.²⁸ Furthermore, the contribution is a contribution to the wrongdoing of *others*. Complicity is the failure to do what I should do by way of contributing to what you do; for example, a dealer fails to refuse to sell the weapon to someone who plans to murder her neighbour.²⁹ By contrast, this distinction between *my* contribution to *your* action and *your* action that constitutes the wrongdoing cannot be found in Kutz’s account. For Kutz, complicity is intentionally

²⁵ To be sure, Kutz himself does not take the case of the weapon dealer as a case of complicity. In his analysis, “the merchant intentionally participates in the transfer of the tools, but not in the criminal use to which they are put, and so there is not apparent participatory basis for regarding the merchant as inclusively accountable”. See *Complicity*, p. 167. However, the discussion here is about what counts as a causal basis; whether the weapon dealer is an accomplice in the crime is not the focus of this section. I thus leave aside Kutz’s and Gardner’s different views on this case.

²⁶ Gardner, “Review of Complicity: Ethics and Law for a Collective Age, by Christopher Kutz,” p. 829.

²⁷ *Ibid.*

²⁸ John Gardner, “Complicity and Causality,” *Criminal Law and Philosophy* 1, no. 2 (2007): 127–141, p. 127.

²⁹ *Ibid.*, p. 132.

participating in the wrongdoing and therefore, the contribution that one makes can be a direct contribution to the wrongdoing. The direct contribution, however, from the perspective of Gardner, is the failure ‘to do what I should do *simpliciter*’ (for example, the murderer fails to respect the person who she has murdered) and should count as principalship.³⁰ Lepora and Goodin join Gardner to emphasise this distinction, criticising Kutz for confounding principals (or co-principals) with accomplices. They all adopt what I call the ‘*others*’ wrongdoing standard’ to distinguish accomplices from principals.³¹

In Lepora and Goodin’s account, the *others*’ wrongdoing standard distinguishes contributory acts from participatory acts. Complicitous agents *contribute* to the wrongdoing of *others* while principals or co-principals *participate* in the wrongdoing. They claim that the difference between participation and contribution is “obvious as soon as it is stated”.³² To contribute is “merely causally related to the wrongdoing”; to participate, on the other hand, means “to join together with others and do one’s own part towards the collective end”.³³ On their list of acts involving co-principals, they include full-joint wrongdoing, conspiracy, co-operation and collusion.³⁴ In these cases, actions of the agents are part of the plan-making process, part of the execution of the plan, or part of both. To some degree, participants as co-principals share the wrongdoing and their actions constitute the wrongdoing. For example, the acts of breaking into the house and committing a felony constitute burglary, and therefore releasing the address of the victim does not constitute the wrongdoing and is complicity. The one who breaks in and steals is the principal.

Lepora and Goodin further argue that we can contribute to an act without participating in it; in other words, we can contribute from the outside.³⁵ For example, we can donate

³⁰ Ibid.

³¹ Lepora and Goodin, *On Complicity and Compromise*, p. 58, note 7.

³² Ibid., p. 79.

³³ Ibid.

³⁴ Ibid., pp. 36-41.

³⁵ Ibid., p. 81.

to a charity without joining it; or a state can provide material help to an ally that is at war without participating in the war. All in all, complicity is a contributory act rather than a participatory one, but Kutz's opponents criticise him for eliding this basic distinction. The Complicity Principle, according to such criticism, actually describes the *actus reus* of principal wrongdoers.

Knowledge and Intention

Let us now move to the mental state of accomplices. In Kutz's account, the complicitous agent has a participatory intention, but in Lepora and Goodin's view, intention is not a necessary condition for constituting complicity, as they argue:

"If we are looking for what is the minimum condition for your being complicit with another in his wrongful actions, it is (a) not the intention to share in a joint action with him, still less (b) an intention to pursue a purpose that you share with him."³⁶

Knowledge as the proper subjective element of complicity is accepted by legal practices in many places. For example, in England, an agent only needs to pass the 'knowledge without purpose' test to be complicit in a crime; Lepora and Goodin defend this standard.³⁷ Knowledge includes both awareness of the wrongdoing and awareness of one's potential or actual contribution to the wrongdoing of another agent. The complicit agent's reason to contribute is very different from the principal's reason to commit the wrong. The complicit agent does not share the plan with the principal; nor does she have any passion or interest for the purpose of the principal. If she does, she is no longer complicit. A complicit agent does not *intend* her contribution to the wrongdoing or the success of the wrongdoing. Such intentions are the mental state of the principals. Therefore, according to Lepora and Goodin's critique, the Complicity Principle also fails to accurately describe the mental state of the complicit agent. Combined with their

³⁶ Ibid., p. 80-1.

³⁷ Ibid., p. 87.

analysis of the objective element of complicity, they propose an alternative account to Kutz: complicity is contributing knowingly to the wrongdoing of others, instead of participating intentionally in the wrongdoing.³⁸ In their view, the principle only characterises principals.

So far, I have presented three objections to Kutz's account of complicity. Gardner, as well as Lepora and Goodin, agree that complicity should be seen as a contribution to *others'* wrongdoing. Without this emphasis, Kutz's account fails to distinguish principals from accomplices. But their objections to the Complicity Principle are not the same. For Gardner, the principle is over-inclusive, as it covers cases of vicarious liability. For Lepora and Goodin, the principle completely misses the target.

2. Defending the Participatory Account

As mentioned, given the complexity of complicity, I do not aim to develop a unified theory of complicity. I will not defend Kutz's account as a unified account of complicity, either. My aim is to show that his account is able to explain individual complicity in collective wrongdoing. I will first respond to the objections to Kutz's account and then demonstrate why Gardner's and Lepora and Goodin's interpretations on the Complicity Principle are wrong. Finally, I make several refinements to Kutz's account and defend the following: in a collective wrongdoing, participants who intend the wrongdoing are co-principals, and others who intentionally participate in it are accomplices.

2.1 Non-Causal Participation

As the opponents argue, a causal contribution is always required from the action side of the complicit agents. Otherwise, it is not clear what is required as the objective element of complicity which risks abandoning the need for it altogether. As a

³⁸ Ibid., p. 79.

consequence, we conflate vicarious liability and complicity liability. The opponents have no quarrel with Kutz that a single person makes no difference in an overdetermination case or when her contribution is diluted by a large number of other participants. The disagreement lies in the question of whether there is such a thing as non-causal participation. Can a person make no difference to the outcome because she makes no causal contribution but still be complicit in a wrongdoing?

Consider the following example. In a bank burglary, the burglars need the password for the safe. One of them calls his friend, who is a former employee of the bank, to get the password. The friend tells him the correct one for a share of the money. But the safe is opened by another burglar who is skilled at unlocking before the call ends. In this example, the first burglar's friend does not contribute to the robbery, but he still participates in the robbery. He communicates with one of the principal wrongdoers, knows of their needs and willingly tells them the password. On the basis of these behaviours, we can regard him as an accomplice in the robbery. The objective elements in his complicity are quite clear, but they are not a causal contribution.³⁹ In Kutz's view, his contribution is "potentially but not actually causal".⁴⁰

Therefore, in the analysis of complicity, recognising non-causal participation does not imply a risk of requiring something unclear or nothing from the *actus reus* of the agent. A person can participate non-causally in the wrongdoing, but she still does something. Complicity is based on her own action. Gardner does not need to worry that the Complicity Principle will conflate personal liability for complicity with vicarious liability. Agents who are merely vicariously liable for what others do, for example, parents liable for the damage done by their children, will not be covered by the Complicity Principle as they do not participate in the wrongdoing.

³⁹ Lepora and Goodin will not agree that the friend *participates* in the robbery since the friend is merely complicit. Their emphasis on the distinction between participation and contribution will be discussed later. Here, as Gardner, I take that accomplices can participate in a wrongdoing.

⁴⁰ Kutz, "Causeless Complicity," *Criminal Law and Philosophy* 1, no. 3 (September 1, 2007): 289–305, p. 298.

Let us now revisit the shareholder example to illustrate this point. According to Gardner, the example is constructed in the way that shareholders intentionally participate in the business and they should be accountable for whatever accidents occur in the business; this is a case of vicarious liability. However, is this an accurate application of the principle? The shareholders participate in the business and participate intentionally, but do they also participate in any wrongdoing? After all, the business itself might not be a wrongdoing. Many more details need to fill in to figure out the relationship between the business, the accidents and the wrongdoing involved. If they participate in some wrongdoing, for instance, they decide to secretly offer some chemical to terrorists for huge profits and the terrorists kill a large number of civilians with the chemical, the Complicity Principle will take them as accomplices (or even principals); if they do not, for instance, they decide to invest according to the requirements of law but a group of terrorists break in the factory, steal the chemical and attack civilians, the principle simply does not apply to them. Other principles might work here to blame their recklessness, but for any analysis of complicity, there must be a wrongdoing first.

2.2 The Ambiguity of ‘Others’ Wrongdoing’ Standard

Although there is non-causal participation, in many cases, the accomplices do make a causal contribution. The other aspect of the causal contribution objection, as shown in the previous section, is that the accomplices’ contribution is made to the principals’ wrongdoing. Applying this standard to agents that intentionally participate in a collective wrongdoing, Gardner concludes that the collective is the principal while all participants are merely complicit. Lepora and Goodin, who stress the distinction between participation and contribution, conclude that participants of collective action are all co-principals, as they do not contribute to others’ wrongdoing but share the wrongdoing.

The ‘*others*’ wrongdoing’ standard introduces much ambiguity. There can be both

objective interpretation and subjective interpretation of the standard. From the objective perspective, a wrongdoing is the principals' wrongdoing (and thus from the perspective of the accomplices, it is *others'* wrongdoing) because the principals' conducts satisfy the definition of the wrongdoing, such as stealing in a burglary or killing in a murder. More often than not, Gardner, as well as Lepora and Goodin, adopt the objective interpretation as they both stress that principals' acts constitute the wrongdoing. But the subjective interpretation challenges the objective one. The principals take the wrongdoing as their own, although they do not perpetuate the wrongdoing by themselves. The accomplices directly commit the wrong but they regard themselves merely as aiders to others. In a case where a wealthy man prepares a plan and hires a professional killer to murder his enemy, the two interpretations conflict and yield different conclusions on which one is the principal of the murder. In such cases, "it seems perverse to call the mastermind a mere accomplice".⁴¹

In one example, Lepora and Goodin implicitly switch to the subjective interpretation.⁴² A dishonest wife asks her doctor to prescribe some sleeping pills and confides to the doctor that she needs the pills in order to drug her husband so that she can date her lover. In the first scenario, the doctor admires the wife's plan and prescribes the drug for her so that she can execute it. In the second scenario, however, the doctor has no views of the plan and acts merely for financial gain. The doctor does not care if the wife loses the drug on her way home.

According to Lepora and Goodin, the doctor is *participating* in the wife's wrongdoing in the first scenario but is merely *complicit* in the second scenario.⁴³ Apparently, in both scenarios, the doctor does exactly the same thing. They correctly appeal to the *mens rea* instead of *actus reus* to decide whether the doctor is complicit or not. But in this way, they no longer stick to the objective interpretation of the *others'* wrongdoing

⁴¹ James G. Stewart, "Complicity," in *The Oxford Handbook of Criminal Law*, p. 536.

⁴² Lepora and Goodin, *On Complicity and Compromise*, pp. 81-83.

⁴³ *Ibid.*

standard. They regard the doctor as a co-principal in the first scenario because his mental state shows that he takes the wife's plan as his as well, not because his acts constitute drugging (in fact, the doctor does not drug the husband).

Indeed, the subjective interpretation of the standard is not necessarily the best replacement for the objective one. But the challenge it brings about does show that the objective *others'* wrongdoing standard is not reliable to distinguish principals from accomplices. Figuring out the acts that constitute the wrongdoing and thereby identifying *others'* wrongdoing instead of the accomplice's wrongdoing is merely a "simplest way" to make the distinction and it does not work well to account for the complexity in many cases.⁴⁴ As James G. Stewart puts it, a principle which states that "all actors whose conduct does not satisfy the definition of the offence are accessories' is conceptually unsafe."⁴⁵ The seemingly apparent distinction between participation and contribution collapses as well, for it is built on the basis of the objective *others'* wrongdoing standard. Complicity can be participatory. It is one form of participating in the wrongdoing.⁴⁶

The Complicity Principle avoids the controversies on the *others'* wrongdoing standard. The principle does not identify a special sort of complicity in which the participants of the collective activity are complicit while the collective is the principal. Neither does it identify only principals who collectively participate in the wrongdoing. The interpretations of the Complicity Principle mentioned at the beginning of this section are simply wrong. Kutz's opponents are partly right that the Complicity Principle itself does not distinguish principals from accomplices. Both principals and accomplices

⁴⁴ Jeremy Horder discusses the gap between this 'simplest way' and the real legal practices, as well as the controversies surrounding these practices. For details, see Horder, *Ashworth's Principles of Criminal Law*, pp.433-36

⁴⁵ Stewart, "Complicity," p. 537.

⁴⁶ Horder, *Ashworth's Principles of Criminal Law*, p.432. Actually, most legal theorists and philosophers use the term 'participation' in a very broad sense. For them, accomplices also participate in the crime. Lepora and Goodin's distinction between participatory act and contributory act draws on Gardner's critique to Kutz, but even Gardner takes complicity as "participation in the wrongs of another". See "Complicity and Causality," p. 127

intentionally participate in the wrongdoing. However, this does not follow, as they suggest, that Kutz's account confounds the two. Working on the basis of the idea of intentional participation, we can still make the distinction. But before demonstrating this point, I will deal with the objection regarding the *mens rea* first.

2.3 Misinterpretations on Participatory Intention

The notion of participatory intention, perhaps, is the one which draws most misunderstandings on Kutz's account. There is rich philosophical literature on what intention involves, from intending as desires plus beliefs to intentions as plans. And there is a far-from-finished debate on whether complicity requires intention or awareness. My aim in this section is modest as I only focus on how Lepora and Goodin misunderstand Kutz's notion of participatory intention. In short, Lepora and Goodin narrowly understand intention as being committed to a goal and desiring a certain outcome. On the basis of the misinterpretation, they contend that the Complicity Principle proposes an over-demanding threshold for complicity and the principle actually identifies principals. However, participatory intention on Kutz's account refers to the way a person perceives the relation between her own action and the collective project. My response to Lepora and Goodin's objection is that when an agent knows of her contribution to the wrongdoing but still contributes, she has a participatory intention, participates in the wrongdoing intentionally and is complicit in it. My defence for the Complicity Principle takes three steps.

I will first point out that Lepora and Goodin equate intention and participatory intention with purposes. Participatory intention is not necessarily "an intention to share in a joint action" or "an intention to pursue a purpose that you share with others".⁴⁷ They defend the 'knowledge without purpose' standard for complicity and take purposes and intentions as the same. The two terms usually stand side by side in their argument.

⁴⁷ Lepora and Goodin, *On Complicity and Compromise*, pp. 80-1.

However, this is a traditional yet problematic understanding of intention. Bratman calls it a “desire-belief model” in which we understand intention and intentional action in terms of the agents’ beliefs and desires.⁴⁸ The agent has certain pro-attitudes towards certain goals and believes that her action would bring about that goal. However, this is incompatible with Kutz’s original idea. Having participatory intention does not necessarily imply sharing purposes or have pro-attitudes. As mentioned in Section 1.1, Kutz’s model of collective action does not require agents to intend the whole project.⁴⁹ The participatory intention is an intention “to act as part of a group” and implies that individual agents are “regarding their own actions as contributing to a collective outcome”.⁵⁰

The second step is to establish that as long as the agent is aware of her contribution to the wrongdoing and still makes the contribution, she intentionally participates in the wrongdoing. Kutz would support this reading of his notion of participatory intention. In fact, one of the questions Kutz tries to answer is whether the Complicity Principle holds when agents “know their actions contribute to harm, but they can truly say they do not intend that harm”.⁵¹ For example, Miriam is a scientist with pacifist inclinations but works for Defense-funded project. In Kutz’s view, she intentionally participates in the project and is accountable for her participation.⁵²

My reading of Kutz’s account is also supported by Avia Pasternak, who applies Kutz’s Complicity Principle to citizens and the context of the state. She lists four conditions for an agent to participate in the collective project. For the purpose of the current analysis, we only need to highlight condition (2) and condition (3):

“... (2) The individual is reflectively aware of the fact she is a group member, and some of her actions are informed and rationalized by that fact. (3) The individual is

⁴⁸ Michael Bratman, *Intention, Plans, and Practical Reason*, vol. 10 (Harvard University Press Cambridge, MA, 1987), pp.14-5.

⁴⁹ Kutz, *Complicity*, pp. 96-103.

⁵⁰ *Ibid.*, p. 67 and p. 74.

⁵¹ *Ibid.*, p. 156.

⁵² For details of the example, see Kutz, *Complicity*, p.163-4

reflectively aware of—or at least can reasonably be expected to be reflectively aware of—the collective goals and activities of the group of which she is a member, and of “the instrumental relation of one’s part to the group act that is its end”.⁵³

This relation between awareness and intentional participation can be further illustrated by Bratman’s distinction between the intention to A and A-ing intentionally. A popular view is that when A is done intentionally A is also intended, but Bratman argues that when A is done intentionally A might not be specifically intended.⁵⁴ When I have an intention, the intention can actually issue more than one intentional action. For example, I intend to take part in the London Colour Run and the sponsors provide every participant with a white T-shirt, which will be covered by a rainbow of colours and foam during the activity. Unfortunately, I lose the T-shirt and have to wear my own white T-shirt. I know that my own T-shirt will be stained in the colour run, but I do not mind. In this case, we can say that I do not intend to have my own T-shirt stained because I have no relevant desires or plans for a stained T-shirt. I wear it and have it stained only because the T-shirt offered by the sponsors gets lost. But I have it stained intentionally because I believe that the T-shirt will be stained before the colour run and I notice that the T-shirt is being stained during the activity.

Therefore, an accomplice who merely knows of her contribution to a wrongdoing still intentionally makes the contribution. An arm dealer only intends to make a profit by selling a gun to someone with the knowledge that the customer will commit murder, but he helps the murderer intentionally. This gap between doing something intentionally without intending it is also prevalently discussed in double-effect cases, where well-intentioned agents cause harm as a foreseen side effect to achieve the good end. Bratman’s analysis demonstrates that both ill-intentioned agents and well-intentioned agents can bring about some harm intentionally, but their intentions are still different and different in a morally significant way.⁵⁵

⁵³ Avia Pasternak, “Limiting States’ Corporate Responsibility,” p. 369.

⁵⁴ Bratman, *Intention, Plans, and Practical Reason*, p. 119.

⁵⁵ *Ibid.*

The third step is to distinguish participatory intention from awareness. In Kutz's account, when an agent intentionally participates in a collective project, she also has a participatory intention. Then it seems to follow that participatory intention is equivalent to awareness. I anticipate the objection that intention and awareness are substantively different mental states. True, they are different mental states and the difference is a subtle one: acting with participatory intention is not merely acting *with* awareness but acting *in light of* awareness.

When I see my action as contributing to a collective project (this is Kutz's definition of participatory intention), I am aware of my contribution to the outcome, but no more information can be obtained about my attitudes towards the project. When I know of my contribution to a collective project without any pro-attitudes ('knowledge without purpose') but still contribute, I regard myself as playing some instrumental role in the project. The nuance between awareness and participatory intention is that the latter can only make sense in the context where the agent's actions "are modulated to the demands of a collective end".⁵⁶ Recall the example of Miriam, the scientist with pacifist inclinations working for Defense-funded project. Miriam is working in light of her awareness of her contribution to the project as her actions are structured by the project.

Suppose that Miriam is not working for the funded project but independently in a university. Her research topic is related to the Defence-Funded project, but it is reasonably foreseeable that her publication can be used by the Defence Department. Without a collective end that shapes and structures her action, she is still aware of the wrongdoing and how her action in the future could contribute to it. In this scenario, if we regard the scientist as being complicit, the notion of complicity will become over-inclusive and can produce a false positive verdict.⁵⁷ The definition of complicity will

⁵⁶ Kutz, *Complicity*, pp. 162-3.

⁵⁷ Robert Jubb also offers a clearer interpretation of Kutz's concept of participation. He argues that there are two criteria for participation: first, there is "a project broad enough" to encompass what the agent does, and the project's constraints structure the acts of the agent; second, the agent acts to further the end of the project. See Robert Jubb, "Participation in and Responsibility for State Injustices," *Social Theory and Practice*, 2014, 51-72, pp. 69-70. Participatory intention does not need pro-attitudes (consent or endorsement) from the agent, but Lepora and Goodin's 'foreseeable causal contribution' criterion, or the 'contributing with awareness' criterion, is too inclusive and make

implicate all scientists whose research and findings could potentially be used for military purposes, which is intuitively implausible.

Admittedly, this distinction never plays an important role in debates in the legal area. The mainstream candidates for the subjective element of complicity are purposes, knowledge and recklessness.⁵⁸ My discussion might not shed light on questions that intrigue lawyers and legal theorists. However, it suggests that the Complicity Principle does not propose an over-demanding threshold for complicity that only principals and co-principals meet. Lepora and Goodin overstate the difference between their alternative account and Kutz's account regarding the *mens rea* of the agents.

2.4 A Refined Participatory Account of Complicity

So far, I have presented three objections to Kutz's account of complicity. First, the account neglects a causal basis of complicity and thus it also takes cases of vicarious liability as complicity. Second, the account pays inadequate attention to contribution to the wrongdoing and contribution to *others'* wrongdoing, and therefore it confounds principals with accomplices. Third, complicity does not require intention but merely awareness of one's contribution to the wrongdoing. My response to the first objection is that non-causal participation exists and agents who are held accountable for their non-causal participation are still accountable for their own action instead of others' action. I respond to the second objection by referring to the ambiguity of the others' wrongdoing standard. A subjective interpretation of the standard challenges the objective interpretation that is adopted by the opponents. The Complicity Principle avoids the disputes between the two interpretations and acknowledges that accomplices and principals can both contribute to the wrongdoing directly rather than contribute to it through others. Finally, I clarify the meaning of participatory intention, explain how accomplices can intentionally participate in the wrongdoing without intending the

false-positive verdicts of complicity. See *On Complicity and Compromise*, p. 69, 52n.

⁵⁸ Stewart, "Complicity," pp. 550-8

wrongdoing and highlight the trivial difference between participatory intention and awareness. Therefore, the accomplices can act with participatory intention.

The responses, I believe, have pointed out how opponents such as Gardner and Lepora and Goodin misunderstand the Complicity Principle. But I concede that these responses are partial in the sense that they do not help distinguish principals from accomplices. So far, the responses mainly focus on refuting the distinctions drawn by the opponents. I have a forth response regarding this distinction: whether an agent is merely complicit or not depends on the *type* of her participatory intention. Kutz does not consider whether there can be various *types* of participatory intention, but this effort will refine Kutz's account of complicity.

In Section 2.3, I argued that there can be only a trivial difference between awareness and participatory intention. Acting with a participatory intention is not merely acting with awareness but acting *in light of* awareness. Now consider the following three situations in which all the agent acts in light of awareness:

Situation 1: A scientist knows that her contribution in a research project that aims to develop a new weapon, she is passionate about its success and she participates in the project.

Situation 2: A scientist knows of her contribution in a research project that aims to develop a new weapon, she hopes that in the project she can build a network with the leading scholars in her research area, she is indifferent towards the final result of the project.

Situation 3: A scientist knows of her contribution in a research project that aims to develop a new weapon, she is a pacifist and secretly hopes that the project will fail, but she still participates in the project because she has to have a job to support her family and this job is the only opportunity she currently has.

In Situation 1, 2 and 3, the scientists all have a participatory intention, but only the scientist in Situation 1 intends the success of the project. It is also clear that the mental states of the scientist in Situation 2 and the scientist in Situation 3 are not the same. Imagine that these scientists participate in the same research project. The project has nearly one hundred participants including other academics, research assistants, engineers and officials from the department of defence. In such a project, each participant can have more than one intention, but they do not necessarily share the very intention of the success of the project: bureaucrats intend to obey the order given to them no matter what it is; spies intend to obtain classified information; assistants intend to gain experience. Besides the scientists in Situation 2 and 3, more oblique and ambiguous attitudes towards the joint goal can be found. For example, some scientific geniuses focus on their research without reflecting the meaning of their contribution in the project and simply enjoy science; some other scientists may suspect if participation in weapon development is incompatible with the vocation of scientists; some participants may even feel guilty because they think their contribution may potentially harm the innocent. The attitudes towards the joint goal of developing the weapon successfully are so complicated that nearly every participant has his or her own story to tell. What they have in common is that they still participate in the project in light of their awareness of their contribution to the weapon development. They intentionally participate in the project. Very briefly, I have the following three types of participatory intention.

First, intention *simpliciter*. Intentional participants do not necessarily intend the whole project but participants who intend the whole project intentionally participate in the project and has a participatory intention. Here, intention *simpliciter* refers to a conception of intention that revolves around purposes, desires and other pro-attitudes. The scientist in situation 1 is an example of a participant who has the intention *simpliciter*.

Second, indifferent participatory intention. A typical case is the scientist in Situation 2. Agents with an indifferent participatory intention do not care about the achievement of the joint goal, and their concern is limited to their own or their families' benefits and well-being. They hope to realise their personal goals through participation in the collective project. Unless the failure of the project has a substantive negative impact on them, they have no special passion for its success.

Third, dissenting participatory intention. As in the case of the third scientist, agents with a dissenting participatory intention disapprove of the joint goal. Note that their dissent should be backed up by some consistent and persistent behaviours and attitudes of the agents. Simply claiming to disagree with the joint goal or a one-off complaint does not count as disapproval.

There can be some middle ground between different types of participatory intentions. For example, are agents suspecting of the moral justification of joint goal indifferent to it or against it? However, this brief typology is sufficient for distinguishing principals from accomplices. Whether an agent is a principal or complicit only depends on the presence of the intention *simpliciter*.

The table below summaries the types of participatory intention and different roles of participants in a collective wrongdoing. This is a refined participatory account of complicity. The refinement is the typology of participatory intention, but it still preserves the core idea of Kutz's account, namely, the participatory intention. In addition, it takes principalship as a special case of complicity, as intention *simpliciter* is a special case of participatory intention. Thus, for the refined participatory account, complicity in a broad sense also includes principalship, but at the same time, complicity in a narrow sense can be clearly distinguished from co-principalship.

Mental states	Awareness of one's contribution to the wrongdoing	Intention <i>simpliciter</i>	Indifferent participatory intention (Self-centred consideration)	Dissenting participatory intention (Disapproval)
<i>Types</i>				
<i>Principals/Co-principals</i>	Yes	Yes	Possible	No
<i>Indifferent Complicity</i>	Yes	No	Yes	No
<i>Dissenting Complicity</i>	Yes	No	No	Yes

3. Application to the Non-Democratic States and the Difficulties

I now go back to the case of non-democracies. Can we apply the refined participatory account of complicity to the citizens in the non-democratic state? I anticipate several difficulties before concluding that citizens in non-democratic states are accomplices of the political order or even co-principals of the order. These difficulties will also arise when we consider the normative implications of citizens' complicity and the role complicity plays in my natural duty framework. They pave the way for our discussion in Chapter 5 and Chapter 6. In this chapter, I first defend the refined participatory account's application to non-democratic states.

The first objection is that the refined participatory account should only be applied to voluntary collective action. The state is substantively different from private associations because of its coercive nature. The problem is not simply that we cannot regard a state as a joint activity. As we saw in Chapter 1, Stilz argues that at least a democratic state can be taken as collective action and citizens are acting together to impose the political order on each other by obeying the law, paying taxes and participating in politics.⁵⁹ In Section 2.3, I also mentioned Pasternak's application of Kutz's model to states which

⁵⁹ Stilz, *Liberal Loyalty*, pp. 193-5; p. 200.

respect basic human right. Similar to Pasternak, Robert Jubb also drawing on Kutz's model of collective action, argues that even citizens of Nazi Germany could be intentional participants of various state acts.⁶⁰ Although the involuntary nature poses no special obstacle to see a non-democratic state as collective action, it seems intuitively problematic to regard the participants, namely, the citizens, as accomplices. It can be acknowledged that citizens in the non-democratic state are still acting together, in a Kutzian sense, to maintain the political order but since they are coerced by the law, they are not accomplices. As in a bank robbery, a bank clerk threatened by the robbers to open the safe is not an accomplice if she follows the robbers' order. The law will treat her as a witness instead of a defendant of the crime because the participatory intention is formulated under extreme pressure.⁶¹

A second objection is that citizens obey the law and pay taxes because of political manipulation. Most citizens in non-democratic states are brought up in an environment with intense political education and propaganda. From a very young age, they are discouraged to take a critical attitude towards their state and not to query the justification for the non-democratic order. Or, they are encouraged to stay away from politics and care more about their personal development and happiness. Similar to the first difficulty, this second one also relates to the formulation of participatory intention. Patriotic ideologies and cynicism are dripped into everyday life, gradually fostering their fever for an 'almighty state', obedient attitudes towards political power or indifference to public affairs. Again, they are more like victims rather than accomplices.

Thirdly and given the two difficulties above, it seems that citizens who engage in political resistance or endeavour to reduce their interactions give rise to an even more intractable problem. The account allows for dissenting participatory intention, but unlike the pacifist scientist who works for the weapon development project, dissenting citizens are not voluntary participants. For these dissenters, their participation in the

⁶⁰ Robert Jubb, "Participation in and Responsibility for State Injustices," *Social Theory and Practice*, 2014, 51–72.

⁶¹ Pasternak also discusses this problem. See "Limiting States' Corporate Responsibility," p. 369

state is imposed on them against their will, which means that it is the unreasonable cost to quit the state that motivates their stay.⁶² Why are they also complicit in the non-democratic state? We generally praise political dissent and resistance in a non-democratic state, but complicity is usually a negative notion.

To tackle these difficulties, we need a more in-depth understanding of state coercion and manipulation. We also need to stick to the original meaning of participatory intention. Again, as long as citizens know that their obedience and tax payment contribute to the maintenance of the non-democratic order in light of this awareness, they are complicit in the state; citizens intending the order to maintain are co-principals.

State Coercion and Manipulation

State coercion is not the same as the coercion one undergoes in a robbery. While the bank clerk has no choice but to open the safe for the robbers, citizens under the coercion of the state still have some 'free space'. The state coercion does not work by directly posing a gun against every citizen's head or by giving detailed instruction to every action of the citizens, and many non-democratic states usually tolerate citizens' inaction as long as they do not publicly or actively resist the regime.

Similarly, state manipulation does not directly make citizens blind and insensitive to the facts about the non-democratic order and their contributions to it. Indeed, in many non-democracies, citizens have limited access to information that should be public, they have no idea of policies which are made in the black box, censorship often makes it difficult to reflect upon one's situation and the political education from a young age tends to shape their sympathetic attitudes towards the non-democratic regime. However, 'free space' may exist in some non-democratic states. Foreign media, political activists or even literature and art are all resources that citizens can rely upon to make a

⁶² Pasternak, "Limiting States' Corporate Responsibility," p. 369

judgement on information they receive and form their own opinions. As it was emphasised in Chapter 3, non-democratic regimes vary from one to another; regime characters play an important role in understanding citizens' political attitudes and actions.

It follows that the participatory intention is not formulated under extreme pressure at least in some non-democratic states. We cannot assume that the mental states of citizens under state coercion are not the same as the one of the bank clerk under the threat of the robbers. As the refined participatory account demonstrates, citizens have various types of participatory intentions. They may appreciate the non-democratic order, be cautiously sympathetic to it, suspect of its justification, indifferent to it or disagree with it. They are not voluntary participants of their state, but they voluntarily choose their mental states and corresponding behaviours. Furthermore, obedience and tax payment are only the most basic forms of contributing to the non-democratic order, citizens under state coercion can freely choose whether to contribute more or not. The concept of complicity still makes sense despite state coercion and manipulation, and the refined participatory account is able to account for complicity in the 'free space' under state coercion and manipulation.

Dissenters' Participatory intention

As I have emphasised, in Kutz's account, a participant does not need to intend the collective project and may even object to it. This will not alter the fact that she intentionally participates in it. In the refined participatory account, I argue that such participants have a dissenting participatory intention. In the example of the pacifist scientist, the scientist voluntarily works for the research project to support her family but secretly hope for the failure of the project. She still has the freedom to quit and no unreasonable cost will occur (her family will lose some income but there is no need to assume that the survival of the family depends on her income from the project). However, if the only reason for continuing to participate in the joint project is the

unreasonable cost to quit, does the refined account work for cases of this kind? Say, if the pacifist scientist is kidnapped to participate, is she still intentionally participating in the research and thus complicit?

I shall argue that the fact of kidnapping does not alter the fact that the kidnapped scientist intentionally participates in the research project. First of all, it should be highlighted that the term complicity is value-neutral. The kidnapped scientist's mental state satisfies the definition of participatory intention. If the aim of the research project is not concealed from her and she can reflect on her role in the project, she still intentionally works together with other scientists. Even when all scientists are kidnapped and some of them plot against the project, as long as they do some routine work as part of the project and know of their contribution, they collectively participate and thereby are complicit in the weapon development. Of course, the cases are not morally on a par with the case in which the pacifist scientist only stays for money. However, as mentioned above, complicity does not always imply blameworthiness; it may have other implications.

In many aspects, the state is special, compared to non-state institutions. However, it is not so special that the refined participatory account of complicity cannot be applied to it, even for a non-democratic one. We can find various types of participatory intention in citizens in non-democratic states as well. Citizens in non-democratic states act as principals or accomplices in the following way.

Some citizens intend the success of the collective goal, even if they cannot play important roles. According to the refined participatory account, they are principals. We might think of high-ranking officials, political leaders and some social elites, but ordinary citizens can also possess such intentions. Consider, for example, a white supremacist in the segregationist American South, who participated in elections and political campaigns with the intention of oppressing the African Americans in every available political means to support the racist laws and policies. Only treating them as

co-principals can “register the gravity” of their contribution.⁶³ Recent findings in social science also indicate that citizens may intentionally sustain the non-democratic order by shaping public opinion.⁶⁴ For example, Rongbin Han suggests that Chinese voluntary commentators online (the so-called “voluntary 50-cent army”) “sustain a pro-regime discourse” to defend the authoritarian regime of China.⁶⁵ Kecheng Fang and Maria Repnikova find that the propaganda sections explicitly encourage the young supporters of the party-state and appreciate their bold patriotic expressions in public.⁶⁶ The findings, I believe, suggests the existence of shared purposes between the officials and the young supporters.

Not all citizens intend a non-democratic order. They are simply indifferent to different regimes. Iris Marion Young, following Hannah Arendt, gives a depiction of “thoughtless” citizens, a typical case of citizens with indifferent participatory intention.⁶⁷ For many ordinary German citizens during the Nazi Period, they did not think much about the crimes targeted at the Jews, they did not care about the success of the crimes and they refused to reflect upon their relations to the state; what they cared most was their private life and that was the reason they participated in the system without resisting or dissenting. They knew that their state was doing something morally problematic, but they lent passive support by keeping silent.

Due to their indifferent attitudes, a citizen might refuse to obtain information about the regime or reflect upon the meaning of her contribution to maintaining the regime. What she cares about is her own (or her family’s) life, job and benefits. Citizens of this kind are aware of the existence of the non-democratic regime and the deprivation of some basic rights of citizens, for these are general experiences of living in a non-democratic

⁶³ Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton University Press, 2012), p. 232.

⁶⁴ The idea of taking public opinion as an appropriate site of complicity and direct participation in maintaining the non-democratic order is inspired by Beerbohm, but his discussion is restricted to democratic settings. See *In Our Name*, pp.244-6

⁶⁵ Rongbin Han, “Defending the Authoritarian Regime Online: China’s ‘Voluntary Fifty-Cent Army,’” *The China Quarterly* 224 (2015): 1006–1025.

⁶⁶ Kecheng Fang and Maria Repnikova, “Demystifying ‘Little Pink’: The Creation and Evolution of a Gendered Label for Nationalistic Activists in China,” *New Media & Society* 20, no. 6 (2018): 2162–2185.

⁶⁷ Young, *Responsibility for Justice*, p. 87.

state. They are also aware that their obedience to the law, tax payment and other acts (for example, working for the censorship department) contribute to the maintenance of the regime.

Finally, some citizens do not appreciate the non-democratic order. For them, it is not worthy of pursuing. Some try to distance themselves from the wrongs by preventing some of the injustices or by withdrawal from unjust state acts, and this effort to keep ones' own hand clean is largely a moral effort; some others publicly oppose the state's wrongful actions and their efforts are mainly political.⁶⁸ However, even these citizens still contribute to maintaining the regime by their obedience and tax payment. Engaging in resistance and avoiding interactions with the state demonstrate their dissent from the state goal or regime, but it is impossible to completely avoid contributing to the regime when living in a non-democratic state. This is the case of dissenting complicity in the refined participatory account.

These examples demonstrate what complicity can look like in non-democratic states. I will revisit some of these examples in Chapter 5 to illustrate what complicity implies for different types of citizens. Again, the refined participatory account has not yet told us whether citizens are blameworthy or not for their various types of complicity in non-democratic states. In my view, moral responsibility (understood as blameworthiness or praiseworthiness) is merely one possible implication of citizens' complicity. Besides moral responsibility, complicity and the types of complicity have significant implications for citizens' liability for state injustice and their obligations in the state. They are not problems I aim to discuss in this chapter, but the refined participatory account and the analysis of citizens' complicity can lay a foundation for thinking about these problems.

Conclusion

⁶⁸ *Ibid.*, p. 82.

In this chapter, I started the analysis of citizens' complicity with Kutz' account of complicity. I concerned several objections to Kutz, including Lepora and Goodin's alternative account of complicity. I defended Kutz's account by explaining non-causal participation, refuting the *others'* wrongdoing standard and clarifying the meaning of his pivotal idea of participatory intention. Finally, I refined Kutz's participatory account and applied it to non-democratic states. The refinement puts citizens' complicity into different types.

Hopefully, I only solved the following questions in this chapter: what is an appropriate account of complicity to understand citizens' complicity in non-democratic states? On what conditions are citizens complicit in non-democratic states? How can citizens be complicit in the non-democratic states? This chapter focuses more on the conceptual issue. Of course, we care more about the normative implications of citizens' complicity. However, I believe further investigation on the blameworthiness of complicity, the moral responsibility of different types of complicitous citizens and implication for citizens' obligations must be based on a detailed and sound analysis of the fact of complicity. In Chapter 5, I will explore the normative implication of citizens' complicity and how it helps us to articulate an argument for the political obligation to resist on a natural duty basis. A detailed analysis of different types of citizens' complicity will shed light on our understanding of different citizens' special relations with the injustice in their own non-democratic state. This analysis in Chapter 5 will also respond to the problem regarding dissenters' participatory intention, which has been raised as the third objection to applying the refined account to non-democratic states. Finally, in Chapter 6, I will revisit the coercion objection and the manipulation objection. Drawing on the typology of non-democratic regimes in Chapter 3, I will respond to these objections by offering a regime-type-based analysis of citizens' political obligation in non-democratic states.

Chapter 5 The Natural Duty of Justice and Citizens' Complicity: Types of Complicity

Introduction

In chapter 1, I defended Stiliz's response to the particularity objection to the natural duty theory of political obligations. Stiliz argues that although the natural duty of justice is a universal duty that binds every individual regardless of their nationality, the fact that citizens in the same democratic state act together particularises this unconditional natural duty and thus the political obligations to obey the law, pay the taxes, participate in democratic politics can be generated. I had a hypothesis that this response can be applied to non-democratic states as well, if we can also see non-democratic citizens as acting together or being complicit, in their particular states. However, it is noteworthy that in a non-democratic context, the special moral ties between citizens and the natural duty of justice may require them to do something else. In Chapter 2, I argued that political obligations include not only the obligation to obey the law but also the obligations to resist injustice and to participate in public affairs.

Chapter 4 examined if citizens are complicit in non-democratic states. Based on Kutz's participatory account of complicity, I briefly distinguished three types of complicitous citizens according to their mental states. Although their complicity does not immediately imply blameworthiness, as I shall demonstrate in this chapter, it still has other important normative implications for citizens' political obligations in non-democratic states.

In this chapter, I will develop the framework I outlined in Chapter 1 to explain how citizens' natural duty of justice and their complicity ground their political obligation to resist injustice. I anticipate that different types of citizens may have different objections against the special obligation to resist injustice. However, I argue that although different types of complicity affect how the citizens are related to the injustice in their own states, their complicity sufficiently establishes a special connection between non-democratic citizens and the injustice in their own particular states, which requires them to address the injustice with their fellow citizens.

The chapter will be unfolded as follows. Since Chapter 4 has proved the hypothesis that citizens are complicit in non-democratic states to be true, Section 1 continues to explain the role of complicity. It starts with an alternative framework that I call the participatory view, which grounds citizens' remedial responsibilities for state injustice on their complicity in the state.

However, I argue that complicity alone cannot fully explain citizens' political obligations, for the relation between fellow citizens is beyond an accomplice-victim one. As argued in Chapter 2, the political obligation to resist injustice is substantively different from their remedial responsibility for state wrongdoings.

Complicity has a more specific role to play, namely, particularisation of the natural duty of justice. Thus, as anticipated in Chapter 1, Stilz's natural duty theory of political obligations for democratic states can be adapted to non-democratic states. Section 2 fills in the details of this adaption, explaining how, on the basis of the abstract natural duty of justice, non-democratic citizens acquire the special obligation to resist injustice.

In section 3, I respond to objections regarding citizens' different ways of contributing to the non-democratic order. The refined participatory account of complicity depicts three types of complicitous citizens according to their different participatory intentions. A concern that follows is that different types of complicitous citizens contribute to the non-democratic order in different ways, some of which might undermine the particularization role of complicity. For example, it is not clear if a special connection between indifferent citizens and the injustice exists, for indifferent citizens care much more about their private life and distance themselves from politics. It is even more suspicious if dissenting citizens also have the special obligation to resist on this complicity rationale. Their political attitudes and action seem sufficient to exclude them from the category of complicitous citizens. Thus, their political obligation to resist, even if exists, should be grounded on something else. I conclude that although different types of complicity affect citizens' moral responsibilities, they all have the political obligation to resist; their different ways to contribute to the non-democratic order do not affect the particularisation role of complicity.

As stressed in previous chapters, we also need to pay attention to the regime characters when thinking about citizens' political obligation to resist in non-democratic states. Objections against the special obligation to resist can also be raised on the ground that state coercion and manipulation remove this obligation. However, I will leave this problem to Chapter 6, where I will respond to objections regarding regime characters of non-democratic states by offering a regime-type based analysis of citizens' political obligations.

1. The Role of Complicity

In our everyday language, complicity is usually used as a negative notion, which directly implies a certain degree of moral responsibility (in this context, it refers to blameworthiness). Certain excusing conditions can cancel the moral responsibility of the agent, such as duress and manipulation. When such conditions do not apply, the fact of complicity sufficiently and directly grounds moral responsibility. Actually, Beerbohm assumes this immediate connection between complicity and moral blame in his analysis of citizens' contribution to injustice in democratic states.¹ Following Beerbohm, it might be argued that citizens have the political obligation to resist the unjust laws or participate in politics simply because they are complicit in the non-democratic state and are morally responsible for their complicity. Resistance is just the way in which they can be responsible for their complicity if it can be shown that their complicity is not out of coercion and manipulation.

However, complicity does not always imply blameworthiness. In Kutz's account, complicitous accountability does not exclusively refer to moral responsibility, and "the responses due [the complicitous agents] must reflect the nature of their conceptions of their role and identity within the shared project".² Despite some ambiguity in Kutz's argument, in this project, as said in Chapter 4, normative implications of complicity include not only moral blame. In some occasions, complicitous agents are not blameworthy, but they still need to take action to respond to the outcome of the joint wrongdoings.

In Chapter 2, I argued that political obligations are a kind of forward-looking responsibilities, in contrast with backwards-looking responsibilities as guilt or liability. My strategy is not to show that all non-democratic citizens are morally responsible for their complicity and thus they are morally required to resist injustice in their states. Actually, I do not think that all citizens should be blamed for contributing to the non-democratic order. In this chapter, I elaborate on the argument, which has been outlined in Chapter 1, that complicity in a non-democratic state *particularises* the natural duty to establish just institutions, just as collective action in a democratic state particularises the duty to support just institutions.

Justice requires us to bring about just institutions when they are absent. Hence, regardless of our various nationalities, we should care about those suffering from injustice and make efforts to push forward certain institutional reforms. However, the fact that a group of citizens, for

¹ Beerbohm, *In Our Name*, pp. 227-8; p. 240.

² Kutz, *Complicity*, p. 165.

example, Chinese citizens, are complicit in their non-democratic state makes the task to reform the political institutions of China especially relevant for them. Complicity transforms the universal duty of justice into a special obligation owed to fellow citizens and specifies the content of the duty. Following Stilz, I call this process of acquiring new obligations on the basis of some unconditional duty “particularisation”.³

A major objection to this strategy is the following claim. Why cannot citizens’ complicity alone sufficiently ground political obligations in non-democratic states? At first glance, it seems straightforward that complicity sufficiently explains the obligation to address the injustice perpetuated by a non-democratic regime and there is no need to appeal to other sources, such as the natural duty of justice. Stilz has several lines on complicity in democratic states where serious injustice still exists. She argues that that “citizens have collective responsibilities to those on whom their joint practice inflicts injury or injustice”, and “a collective responsibility to redress injustice can be owed either to insiders or to outsiders to their territory.”⁴ It seems that in non-ideal situations when democratic citizens are implicated in injustice, complicity directly grounds the collective responsibility to redress the injustice. However, her argument is quick and sketchy; it is not entirely clear what role natural duty of justice plays here.

In the current literature on collective responsibility, participation (complicity) has been discussed as an important ground for citizens’ remedial responsibility for state wrongdoings. According to what I call ‘participatory view’, citizens can be seen as participants of state acts and their participation (complicity) puts them under the remedial responsibility to rectify the unjust situation. Therefore, it is justified to distribute the burden of compensation among citizens of the state which commits the wrongdoings such as the Holocaust, unjust wars, racist policies or environmental injustices. Since maintaining a non-democratic order is also a kind of state wrongdoing, can we work out a version of the participatory view that holds citizens responsible for the non-democratic political order as they participate in the state?

In the following discussion, I will argue that the participatory view cannot sufficiently help us to figure out citizens’ political obligations in a non-democratic state. Citizens’ complicity does not fully ground their political obligation to resist injustice. We also need to resort to the natural duty of justice to explain political obligations in non-democratic states.

³ Stilz illustrates this process of particularization through a two-tiered model. For details, see *Liberal Loyalty*, p. 204

⁴ Stilz, *Liberal Loyalty*, p. 203

1.1 The Participatory View

The participatory view is also constructed on the basis of Kutz's Complicity Principle. Drawing on Kutz's account, both Pasternak and Jubb argue that under certain conditions, citizens can be regarded as intentional participants of the state. Citizens thus bear the remedial responsibilities for state wrongdoings. In Section 1.3, I will revisit the details of the disagreements on conditions on which remedial responsibility can be generated; at the moment, let us focus on the basic rationale of the participatory view: citizens' intentional participation in the state grounds their remedial responsibility for their state's wrongdoings.

The participatory view aims to explain many prevalent practices in which citizens are required to take up the remedial responsibility for their state's wrongdoings, which they have no direct or effective control of and even what they are not aware of. For example, when a state is under the remedial responsibility to make reparations for its wrongdoing, the cost finally passes onto ordinary citizens who have no direct involvement in the particular wrongful acts. The participatory view can justify this distribution of the burden. Apart from distribution among citizens the liability for the external injustice, Jubb also argues that when a state treats some of its citizens unjustly, citizens of the state have an obligation to end the unjust treatment or bring about reforms to the political institutions.⁵ This argument further leads us to think if citizens' political obligation to resist injustice can be simply grounded on their intentional participation in the non-democratic state. The task then remains is to find out the proper conditions for holding citizens responsible for the non-democratic order in this way. For both theorists, citizens' responsibility is derived directly from their intentional participation in the state.⁶

1.2 Remedial Responsibility vs. Political Obligations

⁵ Not all literature on citizens' remedial responsibility for state wrongdoings adopt the participatory view, but most theorists working on this problem limit their discussion to external injustice, the injustice that is done by the state to outsiders rather than citizens. Jubb's discussion is perhaps the only one that explicitly covers both external and internal injustice. See Robert Jubb, "Participation in and Responsibility for State Injustices," *Social Theory and Practice*, 2014, 51–72. Other theorists including Pasternak, Stilz and David Miller do not consider whether their conclusions apply to internal injustice or not. See Pasternak, "Limiting States' Corporate Responsibility"; Anna Stilz, "Collective Responsibility and the State," *Journal of Political Philosophy* 19, no. 2 (2011): 190–208; David Miller, *National Responsibility and Global Justice* (Oxford University Press, 2007).

⁶ Jubb takes Pasternak's account as a substantively different account of citizens' responsibility in which the responsibility is "based on endorsement of the state and its end", see "Participation in and Responsibility for State Injustices," pp. 54-6. In this chapter, however, my focus is their common ground that participation plays a direct role in generating responsibility.

However, I do not think the participatory view can fully explain the connection between citizens' complicity and their political obligations in non-democratic states. It is noteworthy that the participatory view starts with a very different problem from that of political obligations. The central problem for the participatory view is the justification for the transfer of responsibility from the state to its citizens. A general observation is that, in current literature on citizens' remedial responsibility for state wrongdoings, the examples follow a similar pattern: a state, as a collective agent, commits something wrong that harms or wrongs another group of people and the citizens of the state are remedially responsible to share the cost for compensating for that group of victims. For example, developed states have an obligation to fund the developing states to deal with climate change and the funds ultimately come from the tax paid by citizens of developed states⁷; Iraq pay reparations to Kuwait for the first Gulf War and the responsibility has been distributed to Iraq citizens⁸. Even in Jubb's example of Nazi Germany, when discussing ordinary citizens' responsibility for the Holocaust and other crimes committed by the state, a case of internal injustice, this group of 'ordinary citizens' do not include the victims such as the German Jews. In other words, with the idea of participation or complicity, the relation between the citizens who bear the responsibility and the groups of people who are to be compensated are constructed as an accomplice-victim relation. The participatory view corresponds to our basic intuitions and judgements in a paradigmatic case of complicity: accomplices are liable for the wrongdoings and should compensate for the victims.

As mentioned in Chapter 1, Chapter 2 and the beginning of this chapter, political obligations are the special moral ties between fellow citizens of a particular state. In Chapter 2, I also highlighted the distinction between remedial responsibility and political obligations. When we think of the duty to resist unjust laws or participate in politics as political obligations, we concentrate on the relations between fellow citizens. Sometimes an accomplice-victim relation does exist between citizens, such as the relation between the majority groups and minority groups in a racial society. However, when considering the non-democratic order in general, it seems that all are accomplices, and all are victims. Citizens, as it was argued in Chapter 1, are mutually coercing each other by maintaining the public authority. In their nature, political obligations do not manifest the relation between accomplices and victims, and they are not transferred to citizens from certain responsibility that the state is expected or required to take up. The accomplice-victim relation cannot capture the special moral ties between citizens.

⁷ Pasternak, "Limiting States' Corporate Responsibility," p. 361

⁸ Stilz, "Collective Responsibility and the State," p. 190

Something important is missing from the accomplice-victim relation. First, it tends to neglect the role of victims. Take Trump's travel ban as an example. The travel ban unjustly affects both Muslim citizens of the US and Muslim non-citizens. A participatory view will say that a US citizen is responsible to resist the unjust laws because she is implicated in her state's wrongful acts that harm the Muslim, no matter they share the citizenship with her or not; this is her remedial responsibility for the wrongdoing that she participates. However, the participatory view only takes the perspective of citizens who are not harmed by the travel ban and says little about the responsibility of citizens who are harmed. Since they are citizens of the state, their active role in bringing about just institutions should be acknowledged as well.

Citizens as victims of certain laws or policies can be complicit in the state injustice as well. This is a distinction between victims who are citizens and victims who are not. The dual role citizens play tend to be neglected by the participatory view. I do not claim that once victims are complicit their sufferings are less important than their complicity. My emphasis is that while in cases of external injustice it is usually much clearer who harms whom, cases of domestic injustice in non-democratic states are much more complicated. Citizens play a dual role. They coerce their fellow citizens through unjust institutions; meanwhile, they are coerced by their fellow citizens through those institutions. Therefore, in cases of domestic injustice, it is difficult to draw a clear boundary between accomplices and victims and depict resistance as compensation or remedy owed by one group to another. When we think about citizens' political obligations, it should be kept in mind that they are fellow citizens, they are in the same boat and they need to cooperate and act with each other.

In summary, an accomplice-victim relation simplifies the picture too much, overlooking that victims of injustice have their own voices and experiences, and they may even contribute to the injustice. Thus, they can and should engage in the efforts that aim to end the unjust laws and should not be taken as waiting to be helped or compensated.

A second problem with the participatory view is that it is insensitive to the distinction between insiders and outsiders. An account of citizens' political obligations aims to explain the special moral ties between citizens: what constitute the moral ties and what they require us to do under different circumstances. Of course, we should not be complicit in coercing our fellow citizens in a way that does not respect their equal freedom; we should do something for them. This is

one aspect of our political obligations. But we owe our fellow citizens such obligations not simply because of our complicity in state injustice, for we owe them to non-citizen victims of the injustice as well.

What is special about our relations with our fellow citizens? The participatory view cannot tell us. My answer is that our fellow citizens are not only the ones *for whom* we should offer help or compensate. They are also the ones *with whom* we should act together to establish and maintain an order that protects our equal freedom, which is, again, traced back to the Kantian duty, a duty to enter a judicial state of affairs *with others*. This collective dimension cannot be explained only by complicity. For example, if Han-people in China have the political obligation to object to the concentration camps which detain and re-educate the Uighur Muslims, this obligation also has an underlying requirement that the Han-people should act together with the Uighur, by listening to them, cooperating with them, and considering their needs and situations. If men in the UK had the political obligation to support women's suffrage, they should do this *together* with British women. The participatory view, as mentioned above, rarely takes the perspective of the oppressed groups. Resistance to injustice is understood as a business of only a segment of the whole population. Thus, according to the participatory view, citizens from the oppressed groups are similar to outsiders who are affected by the state wrongdoings; they are not regarded as fellow members who are 'on the same boat'.

I believe such emphasis and conceptual clarification above have some important implications for practice. Once we think out of the narrow accomplice-victim relation, there can be more dialogues and understandings between different groups of citizens, minority groups in the society can be better represented and have a louder voice, and the way in which citizens organise their collective action against unjust laws can be affected as well. All in all, an accomplice-victim relation is too narrow to capture the special relation between fellow citizens of the same state and thus cannot explain citizens' political obligations in non-democratic states. Political obligations are not remedial responsibilities that one group of citizens owed to another. An account of political obligations aims to find a common ground for all citizens' obligations, no matter they are from an oppressed group or not.

The common ground for all citizens' political obligations is the natural duty of justice. In the following section, I will defend and develop the framework I briefly outlined in Chapter 1 and show how this account fully explains special relations between citizens in non-democratic

states. It is a natural-duty-based framework and citizens' complicity plays its role of *particularisation* within this framework. In other words, the framework combines the natural duty of justice and complicity to explain political obligations in non-democratic states.

2. The Natural Duty of Justice, Complicity and Political Obligations

Again, the natural duty of justice binds every individual regardless of their citizenship status. If we are thinking about the natural duty of justice alone, a Russian citizen has a duty to support the just institutions in Norway as much as a Norwegian citizen; she also has a natural duty to help bring about just institutions to Turkey as much as a Turkish citizen.⁹ We have this natural duty as moral persons, not as citizens. However, this universal duty can be particularised by citizens' complicity in non-democratic states. Complicity helps us to distinguish this Russian citizen's obligation owed to her fellow citizens from her natural duty owed to Turkish or Norwegian citizens. Before diving into the details of political obligations in non-democratic states, let us briefly recall how democracy as collective action particularises the natural duty of justice in democratic states, according to Stilz's framework.

2.1 From Democracy to Non-Democracy

Democracy, as Stilz argues, can be regarded as a collective activity in which citizens participate by obeying the law, paying taxes and participating in the democratic mechanism. Although a democratic state is a large-scale institution, citizens can be regarded as sharing a collective goal of making laws for themselves and they are aware that such a goal is shared among them. Thus, a democratic state can the basic conditions for collective action proposed by Bratman, whose framework Stilz relies on.

Democracy, just like other associations, generates obligations for its members. These obligations are not automatically justified and thus needs a normative foundation. For most everyday associations, their members' consent justifies the membership obligations.¹⁰ Although the membership in a state is not voluntary and consent does not provide the normative foundation here, the democratic citizens are already bound by a pre-existing duty of entering the state to ensure that a public authority can settle the disputes between individuals and thereby

⁹ Here I take Norway as a democratic state and Russia and Turkey as non-democratic ones.

¹⁰ Stilz, *Liberal Loyalty*, pp. 200-3

protecting the freedom of each person. The natural duty of justice requires the individuals to step into the political institution and take up the obligations the institution assigns to them.¹¹ As the title of Stiz's book indicates, citizens' loyalty to their states is based on the universal liberal principle of equal freedom. But this does not mean that their loyalty is simply attached to the abstract liberal principle or any liberal state that adopts this principle. Rather, the fact that one is participating in the collective action to maintain the democratic order makes her state different from other liberal states: her state is the one that interprets the liberal principle through its specific laws and applies the laws to her. The fact also makes her fellow citizens standing on a different moral position to her from other non-citizens: her fellow citizens are the ones with whom she shares the collective goal of maintaining a public authority that defines and protects their rights; they are the ones with whom she acts together to formulate democratic laws; and they are the ones whose rights can be affected by her disobedience, tax evasion and absence for democratic participation (though to a small degree). Therefore, the loyalty is attached to the particular democratic procedures and practices of one's own state. Democracy as collective action connects one's natural duty of justice to a particular democratic state and its citizens. The fact that one is already a participant of a democratic state does not directly generate moral obligations but particularises the unconditional natural duty of justice.

In the following discussion, I shall argue that in a non-democratic context, it is one's complicity that makes her fellow citizens and the injustice perpetrated by the regime especially relevant for her. In Chapter 1 and Chapter 4, I introduced Kutz's model of collective action and his account of complicity. According to Kutz's, people acting together do not necessarily share the same joint goal. The threshold for collective action is merely participatory intention: one sees her action as contributing to a collective project. In this sense, non-democratic citizens can also act together to maintain the non-democratic order, and their collective action constitutes complicity, as long as they present the participatory intention. Most citizens, regardless of their subjective attitudes towards the non-democratic state, understand their obedience to the law, tax payments, use of public service and other forms of involvement in public affairs as a part of the order-maintenance project of the state. They do not need to share an intention to maintain the political order or help the order to survive, how they conceive their roles in the state

¹¹ Stiz sometimes argues that membership gives rise to such obligations and uses the term "obligations of membership", which seems to be a move to an associative account. My interpretation is that membership itself cannot sufficiently provide a normative foundation for such obligations in Stiz's account. Therefore, "obligations of membership" do not automatically become our moral obligations. In Chapter 1, I also emphasised that Stiz's account is substantively different from an associative account, although she introduces collective action theories into her framework and discusses the obligations of the members.

sufficiently demonstrates their participatory intention and makes them participants of the state.

Non-democratic states also assign legal obligations, which concentrates on obedience, to their citizens. However, fulfilling these legal obligations is complicity in a wrongdoing. This is not to say that not having a democratic regime is a wrong and citizens are complicit in depriving each other's right to democracy. I leave it aside whether there is a right to democracy but focus on some more specific problems in a non-democratic regime.¹² In my discussion, non-democratic citizens are complicit in a wrongdoing in two senses. First, they collectively maintain the non-democratic order which deprives certain basic civil and political rights of citizens or part of the citizens. Without these basic rights, they are mutually coercing each other in a way that compromises their equal freedom. Second, they collectively maintain the non-democratic order which allows the production and reproduction of structural injustice. For example, consider gender inequality in the workplace as a typical case of structural injustice. Women do not have equal opportunities in the workplace, but this is not a result of unjust laws or policies. That is, the state is not the agent that perpetrates the injustice; the inequality is the result of the accumulation of individual choices and behaviours. However, many non-democratic states lack both motivation and mechanisms to address the injustice, or even reinforce it by suppressing citizens' collective efforts to address the problems. Citizens are complicit in their state's acquiescence and reinforcement of the structural injustice.

In summary, I have two specific concerns: one is the violation of rights in non-democracies and the other is structural injustice produced and reproduced in non-democracies. I do not assume that non-democratic citizens' political obligations, especially the obligation to resist, must be directed at the democratisation of their state, or that resistance which aims to bring about democratic reforms to the political institutions must have priorities to other justice-promoting collective action.

In Section 1.2, I rejected the participatory view which maintains that participation (complicity) alone is sufficient to ground the duty to resist. The question that follows is what role complicity plays in explaining non-democratic citizens' political obligation to resist injustice? The answer, as given in our previous discussion, is *particularisation*. In the next section, I will explain how

¹² For example, Joshua Cohen argues against a human right to democracy. See "Is There a Human Right to Democracy?" *The Egalitarian Conscience: Essays in Honour of GA Cohen* 226 (2006). On the other hand, as mentioned in Chapter 1, Christiano and Buchanan both support that this is a basic right. See Christiano, "The Authority of Democracy"; Buchanan, "Political Legitimacy and Democracy".

complicity plays this role.

2.2 Complicity and Particularisation

Recall that the starting point of the project is that political obligations are natural-duty-based, and it follows that there is a universal duty to bring about just institutions when the current institutions are unjust or acquiesce in injustice. However, it is complicity that connects non-democratic citizens to the injustice perpetrated or allowed to be perpetuated in their own non-democratic state. Complicity translates the abstract natural duty to establish and enter just institutions into a specific obligation to resist injustice in a *particular* non-democratic state. The most important role of complicity, similar to that of democracy as collective action in Stilz's theoretical framework, is *particularisation*.

Let me explain in greater details. The natural duty of justice binds me to cooperate with others in establishing and sustaining political institutions that promote justice. This is a duty I need to fulfil together with others, in the process of which I give equal respect to them, acknowledge their contribution, and consider their interests and opinions. That being said, without considering the fact of complicity, there are no specific constraints on which group of people a citizen should act together with to resist injustice. This is only to say that collective action to address injustice is a moral imperative. Consider the following example of a Chinese citizen. The Chinese citizen acknowledges that she is morally bound by the natural duty of justice and she believes that she has a duty to resist injustice. However, she thinks there are no special reasons to focus on injustice in China and she can fulfil this natural duty of justice by, for instance, protesting against the anti-LGBT laws in Brunei by boycotting Brunei overseas hotels or publicly criticising the laws. In her view, resisting injustice against LGBT communities in China may incur some cost that she does not want to bear, or it might be an unproductive effort. All things considered, she is determined to devote her time to the problem in Brunei and she also regards her contribution as part of the collective action that aims to protect the rights of Brunei's LGBT community.

However, we have not considered the fact that she is complicit in maintaining the non-democratic regime of China which both violates the rights of the citizens and allows the production and reproduction of many structural injustices. When she is complicit to maintain such a regime, she actually fails her natural duty of justice to establish and sustain a just state.

Participating in resistance to the anti-LGBT laws in Brunei cannot address *this* failure. Rather, the failure must be addressed by resisting the injustice in China. As a moral person, she has the freedom to choose to which injustice to devote herself, for everyone has only limited time, resources and energy. However, as a citizen of China, she has no choice whether or not she takes part in resistance to injustice in China; this is her special obligation, for she is complicit in this non-democratic state, not others. Her complicity distinguishes injustice in China from injustice in Brunei and other non-democratic states: the former is especially relevant for her.¹³

This is parallel to the reasoning for the political obligation to obey the law in a non-democratic state. In explaining how participation in a democracy particularises a Sweden citizen's natural duty of justice, Stilz argues that "whether she orients her behaviour to Sweden's law does impinge on her compatriots' property rights", but whether she orients her behaviour to South Africa's law "does not undermine South Africans' security of possession".¹⁴ She concludes that "by being present in a territory, then, I acquire obligations to uphold the legal system that governs it, if that legal system is sufficiently legitimate", on basis of my "prior duty of justice to regulate all of my interactions involving external resources through a juridical authority".¹⁵

Obviously, most non-democratic states, if not all, are not sufficiently legitimate. However, in a similar vein, by being complicit in a non-democratic state, my contribution to the regime impinge my fellow citizens' rights. This fact distinguishes my fellow citizens from other groups of people, for my fellow citizens, not citizens of other non-democratic states, can claim that my contribution undermines their rights. The obligation to respond to this complicitous contribution owed to my fellow citizens is thus different from the natural duty to establish just institutions I owed to other people, for the former is the special obligation I owed to people whose rights are undermined by my contribution to the non-democratic order. I obtain this special obligation by being complicit in the non-democratic state, on basis of my pre-existing duty of justice to bring about just public authority that defines and protects the equal freedom of those subject to it.

In summary, with this natural-duty-based framework of political obligations in non-democratic

¹³ An objection might arise that if the injustice in another state is much more serious than the injustice in China, then the Chinese citizen should not prioritise the duty to resist injustice in China. However, we have this judgement because of practical reasoning. That citizens should attend to the more urgent issues under certain circumstances does not change the fact that her political obligation to resist injustice is a special obligation owed to her fellow citizens.

¹⁴ Stilz, *Liberal Loyalty*, p. 200

¹⁵ *Ibid.*

states, we can think out of the narrow relation between accomplices and victims. It does not matter we are victims or accomplices regarding specific laws, policies and injustices, for the question we are faced up with is what we should do as citizens when the non-democratic regime of our state perpetuates or tolerates the perpetuation of injustice. The natural duty of justice provides straightforward answers. But among the injustice happening all over the world, it is our complicity in our own non-democratic states that makes confronting injustice perpetuated in our own states a special task for us.

3. Different Types of Citizens and the Ways They Contribute to the Non-Democratic Order

I now turn to a potential objection against the argument that citizens' complicity plays the particularisation role. The objection says that complicity cannot connect all non-democratic citizens to the injustice of their own state, because of the distinction between different types of complicitous citizens. It seems indifferent citizens and dissenting citizens both have reasons to reject this obligation, for the ways they are complicit are substantively different from that of citizens as co-principals. These two types of citizens do not appeal to the same set of reasons, either. To respond to the objection, we need to add an analysis of the different ways in which citizens contribute to the non-democratic order to see if the political obligation to resist is affected by the differences.

In Section 1.2, I have rejected the strategy that relies on the participatory view to ground the political obligation to resist injustice. That being said, the participatory view still offers us some important insights to think about citizens' obligation to resist injustice. It applies Kutz's model of collective action and the Complicity Principle to the context of a state, and this application is not limited to democratic ones. The participatory view thus provides some specific details of how an ordinary citizen, without directly getting involved in state wrongdoings, can be complicit.

The main purpose of this section is to examine whether each type of complicitous citizens' obligation to resist is affected by their different ways of contribution. I will first revisit the participatory view to see how Pasternak and Jubb approach the question of different modes of complicity. On this basis, I will illustrate how each type of complicitous citizens is connected to the injustice in their own states.

3.1 Revisiting the Participatory View

The participatory view offers some insights for understanding different citizens' modes of complicity in the state. Pasternak and Jubb have different views on this issue. Generally speaking, Pasternak puts more emphasis on citizens' subjective attitudes that they voluntarily choose, while Jubb stresses the characters of objective environments.

As mentioned, they propose different conditions for holding citizens responsible for state wrongdoings. For Pasternak, we can assume citizens to be intentional participants of the state when they do not object to their participation in a state that respects basic human rights.¹⁶ Pasternak's version of participatory view stresses the importance of citizens' choice of their attitudes towards their membership in the state. A state that respects basic human rights makes sure that citizens can form their attitudes towards their membership as well as freely express them; it is those attitudes that "define whether or not they are its intentional participants."¹⁷ For states that do not respect basic human rights, on the other hand, "the international community has good reasons to doubt the extent to which they are intentional participants in their state, even if they do not express themselves against their membership"¹⁸, and the international community should be "wary of allowing the state a free hand to pass its corporate responsibilities on to its vulnerable citizens".¹⁹

According to Jubb, however, citizens' responsibility does not depend on the endorsement of their state membership. He proposes two alternative criteria: first, a project must exist so that citizens can adjust their attitudes and intentions towards the state goal; second, citizens act to further the goal instead of merely being used by the state as tools.²⁰ He is sceptical of Pasternak's view that some sort of control should be given to citizens over their responsibilities and that citizens' dissent can make their intentional participation non-genuine; he points out that one can still intend to do things she resents doing, and that allowing avoidance of responsibility does not necessarily increase our control over our responsibilities.²¹

¹⁶ Pasternak, "Limiting States' Corporate Responsibility," p.362.

¹⁷ Ibid., p.372

¹⁸ Ibid., p. 377

¹⁹ Ibid., p. 378

²⁰ Jubb, "Participation in and Responsibility for State Injustices," pp.69-70

²¹ Ibid., p. 55, 10n

For Jubb, whether citizens are intentional participants and responsible for state wrongdoings does not depend on their voluntary choices of their attitudes towards their citizenship status; rather, it depends on regime types. He illustrates the difference between a nakedly coercive regime and a popularly accepted regime by the examples of North Korea and Nazi Germany. As a nakedly coercive regime, North Korea treats its citizens merely as tools and such a totalitarian rule cannot "engage the wills of citizens as purposive agents, forming and acting on goals of their own".²² For this reason, ordinary North Korean citizens should not be regarded as participants of the totalitarian state and they do not bear special responsibilities for their state's wrongdoings. On the other hand, Nazi Germany "relied on the acceptance of the mass of the population", though it was also a non-democratic regime.²³ In Nazi Germany, therefore, "we judge citizens as responsible for the regime's crimes".²⁴

As we see in the previous discussion, Pasternak's conditions for holding citizens responsible for state wrongdoings exclude a group of citizens from genuine intentional participants of the states that respect basic human rights, namely, those who signal their deep dissatisfaction with their membership.²⁵ In my view, this exception, though criticised by Jubb for grounding responsibility on endorsement, corresponds to an intuition, which is, I believe, widely shared: we should be able to judge different types of citizens differently when thinking about citizens' complicity. Given the refined participatory account of complicity in Chapter 4, citizens as co-principals, indifferent citizens and dissenting citizens seem to have some different relations with the injustice. It follows that different groups of citizens' political obligations might be affected by the ways in which they contribute to the non-democratic order.

In this respect, Jubb's argument seems counter-intuitive. Although he differentiates between regimes, there is no further distinction between citizens living in the same state. Citizens in Nazi Germany who took greater risks to overthrow the system were as responsible for the crimes as those citizens who accepted the Nazi regime. However, we might ask, for citizens who can be labelled as dissenting citizens according to the refined participatory account of complicity in Chapter 4, wasn't the Nazi regime also nakedly coercive?

The disagreement between Pasternak and Jubb boils down to whether citizens have voluntary

²² Jubb, "Participation in and Responsibility for State Injustices," p. 67

²³ *Ibid.*, p. 61

²⁴ *Ibid.*, p.67

²⁵ Pasternak, "Limiting States' Corporate Responsibility," p. 374

control of their intentional participation and responsibility for the state wrongdoing. It is intuitively appealing to give some sort of control to citizens over their responsibility. In Pasternak's account, although a distinction between genuine and non-genuine participatory intention helps to give citizens such control, we need to keep in mind that, as argued in Chapter 4, objection to the collective goal is still compatible with participatory intention. It follows that even if citizens can control their attitudes towards their citizenship status, it is not necessary they can control their intentional participation and their responsibility for state injustices.

However, if we follow Jubb and do not differentiate between citizens within the same state, it does seem unfair for dissenting citizens. It might be further asked if this is also unfair for citizens who do not have a very clear political attitude. My suggestion here is to have a more detailed investigation into each type of citizens and make a clear distinction between moral responsibility and political obligations (the distinction has been discussed in Chapter 2). In sum, citizens' subjective perception of their membership and their voluntary choices of their attitudes do matter, but they only affect moral judgements that citizens will receive. Political obligations, on the other hand, depend on whether different types of complicity can establish a special connection between citizens and the injustice, and thereby particularising the natural duty of justice. As mentioned, we need an analysis of the different ways in which citizens contribute to the non-democratic order. I will start with the more simple and easier case, citizens as co-principals.

3.2 Citizens as Co-Principals

Citizens as co-principals have an intention *simpliciter*, a simple intention to maintain the non-democratic political order, on the basis of their belief that such a regime is worthy of support. At the beginning of the section, I took the Segregationists as an example of citizens as co-principals. They fall into this category as they share an intention *simpliciter* to maintain the Jim Crow laws and the unjust social structure shaped by the laws.²⁶ It is not necessary that citizens as co-principals all make difference-making contributions to the regime. The regime of the Third Reich could function in the same way without the support of an ordinary citizen who was a Nazi fanatic. However, this does not mean we cannot find citizens as co-principals making a *direct* contribution to injustice in the non-democratic states. A Segregationist who

²⁶ Beerbohm, *In Our Name*, p. 242.

voted for a politician who supported the Jim Crow might have not made a difference to the result of the elections or the racial system, but her vote was a direct contribution to the racial injustice. In sum, besides their obedience and tax payment, citizens as co-principals make an extra contribution by directly contributing to the injustice in their states. What is also significant is that both kinds of contribution are made willingly and even deliberately.

The case of citizens as co-principals is easier because holding them morally responsible for injustice is a straightforward way to account their duty to resist injustice. Citizens of this type, segregationists or Nazi fanatics can be rightly blamed for their wholeheartedly support for the regimes and the injustice midst them, even though their contribution made no difference to the survival of the regime. Because they are blameworthy for wholeheartedly supporting the regime, they can be further required to do something to redress the injustice, including resistance. They cannot deny their special connection to the injustice and their fellow citizens who live under the regime, for the injustice is perpetuated by the political order which they aim to maintain, and the fellow citizens are suffered under the regime which they willingly support.

3.3 Indifferent Citizens

Indifferent citizens do not have intention *simpliciter* but merely indifferent participatory intention. They do not enthusiastically support the regime, nor do they care about the success or the failure of the regime, unless this affects their personal or familial benefits. Actually, underlying their indifferent participatory intention are their highly self-centred considerations. I also mentioned that indifferent citizens overlap with Arendt's notion of "thoughtless citizens", or "family men". According to Young's reading on Arendt, the German people, in general, were thoughtless about the operation of the unjust institutions and indifferent to the sufferings of their fellow citizens living under such institutions.²⁷

For the case of indifferent citizens, their passivity remains an obstacle to relate them with the injustice of the non-democratic state. In other words, instead of an outcome they bring about, indifferent complicity is a passive situation into which they are put. I will call this the passivity objection in the following discussion. Indifferent citizens might claim that they have no special connection to the injustice and their fellow citizens, on the ground that they are simply living

²⁷ Ibid., p.87

their private lives in the background of unjust institutions. They might admit that they objectively contribute to the maintenance of the non-democratic political order, but since they do not intend the success of the regime, they only passively watch all the injustice happening through complicated social and political mechanisms, including power relations, free market, and domestic and international politics. Their action itself does not constitute any wrong or harm; citizens in a just state also obey the law and pay taxes. They are thus bystanders, not perpetrators, collaborators or supporters of injustice and unjust regimes. As long as they only play this passive role, they should be allowed to stay away from politics and concentrate on their daily life, without sharing a burden to resist.

However, I argue that passivity cannot cut off indifferent citizens' special connection with the injustice of their own state and thus they are not exempted from the duty to resist. The passivity objection is a valid one if our claim is that indifferent citizens are blameworthy for their passive contribution to the non-democratic order, for they lack the *mens rea* that blame requires. However, passivity cannot cancel all normative implications of indifferent complicity. Even though indifferent citizens are not morally on a par with citizens as co-principals, their non-difference-making contribution to the political order still requires them to fulfil their duty of justice by responding to the injustice in their own states. After all, political apathy is incompatible with our natural duty of justice. Indifferent citizens should not aim to avoid confronting injustice by retreating to their private lives. Being a 'family man', indifferent and apathetic to others' experiences and situations is failing the duty of justice. More importantly, complicity implies that among all injustices around the world, indifferent citizens should give priority concern to the injustice in their own state and sufferings of their fellow citizens. Their complicity ties them to their own states, not other people living in other states, who are also bound by the duty of justice.

Before attending to the case of dissenting citizens, I shall add a caveat that indifferent citizens' obedience and tax payment are more than a contribution to the maintenance of the non-democratic order. Being concerned only about one's private circle also has a chilling effect on the public sphere. Young's description of thoughtless citizens (with the example of the majority of German citizens during the Nazi period) is insightful here.

"[T]heir passivity produces a political vacuum. The attitudes and behavior of the majority of people are so privatized that there exists little organized public space in which actors can appear

to others with their judgement of events, let alone join in collective action to transform them."²⁸

Furthermore, "[t]hey evacuated any space of popular organization and critical accountability, leaving isolated and ineffectual the few of their fellow members who were inclined to think and criticize."²⁹

The way they are complicit in the non-democratic state restricts the public sphere where citizens can organise and take collective action to address injustice. Their focus on their families and private lives is not an avoidance of connecting themselves with injustice and other fellow citizens, as claimed by the passivity objection. All in all, the analysis above demonstrates that indifferent citizens contribute to both the functioning of the non-democratic order and the chilling effect on public space, which tie them to their own non-democratic states and fellow citizens.

3.4 Dissenting Citizens

The claim that citizens can be complicit as dissenting citizens in non-democratic states seems to be the most controversial. Citizens as co-principals can be blamed for their active support for the non-democratic order, which straightforwardly accounts for their special obligation to resist injustice. Indifferent citizens, although passively contribute to the non-democratic order, cannot avoid staying away from politics as they claim to. But why do dissenting citizens also have a special obligation to resist injustice because of their complicity?

Dissenting complicity itself appears to be a self-contradicting idea. How can one be complicit but at the same time disapprove of the collective goal? If there is indeed dissenting complicity, then all citizens are complicated, having no way to get rid of complicity, except immigration. Particularly, if dissenting complicity is a self-consistent concept, this implies that citizens' subjective attitudes do not matter, but their membership alone makes them accessories of injustice.

However, citizens who object to the non-democratic political order and those who make efforts

²⁸ Young, *Responsibility for Justice*, p. 86.

²⁹ *Ibid.*, p. 87

to offset the injustice and reform the institutions should receive certain credit.³⁰ How they contribute to the non-democratic order is substantively different from that of the other two groups of citizens. Compared with citizens as co-principals, they do not make a direct contribution to the injustice, they neither contribute to the maintenance of the non-democratic order with a blameworthy *mens rea*. Compared with indifferent citizens, their obedience and tax payment do not have a chilling effect. They contribute but at the same time disapprove of the non-democratic rule or try to reform the institutions. We should see their dissent and injustice-offsetting efforts as the sign of avoidance of complicity, and the concept of dissenting complicity will collapse due to inconsistency. Consequently, dissenting citizens are merely bound by the natural duty of justice but not a special obligation to resist.

My responses to the objection are as follows. Their dissent and injustice-offsetting efforts demonstrate their desire to avoid complicity, but they still contribute to the non-democratic order in light of awareness. Again, as argued in Chapter 4, a Kutzian concept of complicity clearly covers such case: dissenting citizens' agency is implicated in non-democratic states. However, as emphasized, complicity does not necessarily imply moral responsibility; there can be other normative implications. Therefore, although this account of complicity does not leave citizens options to get rid of complicity, it does leave options for citizens to avoid moral blame by making certain choices.

Indeed, avoiding blame is not the only concern. As Beerbohm puts it, “agents seeking to avoid wrongdoing, and not merely *blame*, may find it impossible to avoid acting impermissibly.”³¹ It is true that according to the refined participatory account of complicity, dissenting citizens in non-democratic states are still acting wrongly. Contrary to Beerbohm, I do not think an account of citizens' complicity in non-democratic states must leave certain options for avoiding complicity. An important reason for Beerbohm's objection to assigning complicity so widely is that “[i]f we are effectively born into complicity, it is not clear what prospective advice the account can provide us.”³² However, prospective advice is clear. We should recognise that in a non-democratic state, where injustice is pervasively perpetuated by the unjust institutions and social structures, there is no way to avoid complicity. If non-democratic citizens do not get rid of the unjust institutions of the non-democratic states, they cannot get rid of complicity.

³⁰ Beerbohm, *In Our Name*, p. 235

³¹ *Ibid.*

³² *Ibid.*, p. 237

Therefore, it is exactly because of this unavoidable complicity that citizens, including dissenting citizens, obtain a special obligation, on the basis of their natural duty of justice, to resist injustice. What citizens should do is to recognise this special political obligation and fulfil it.

In addition, it should be noted that dissenting citizens who merely demonstrate their objection in their private lives have the political obligation to resist injustice, but they have not taken up this obligation as the activists do. As the conceptual analysis in Chapter 2 demonstrates, political obligations need to be fulfilled in a public and collective way. Their private efforts, including helping the victims, are not enough. “Their actions are moral rather than political.”³³ In contrast, activists are fulfilling their political obligation to resist injustice, which is proved by their participation in activism. Acting on one’s political obligation does not mean that she has no such obligation, or such obligation is merely self-assumed. As argued, dissenting citizens’ agency is implicated in non-democratic states. Therefore, their natural duty of justice is particularised as well. The difference between activists and other citizens does not lie in the way they are obligated, but that activists are fulfilling their political obligation to resist injustice while others are not. Since activists’ actions are still structured by the non-democratic regime, fulfilling this obligation neither changes the fact of complicity or cancels their special obligation.

There are some tactical considerations when citizens make decisions on how to express their oppression and resist injustice. Although I have argued that private efforts are not enough, this does not mean that every citizen should make political efforts to resist under every circumstance. Not all citizens can afford similar costs in public resistance, and different non-democratic regimes constrain the public space to different degrees. Admittedly, sometimes helping the victims of injustice privately or educating the next generation is the best citizens can do. In the next chapter, I will continue to discuss how such considerations may further affect citizens’ political obligation to resist in non-democratic states, on the basis of the typology of non-democracies. By highlighting the distinction between private and public efforts, or political action and moral action, I do not aim to argue that citizens are always required to fulfil their political obligation to resist injustice in every single instance of injustice, but merely to demonstrate that their forward-looking responsibility goes beyond keeping their

³³ Young, *Responsibility for Justice*, p.89.

moral integrity in their private life. This distinction, again, emphasises the important features of political obligations as well as reminds us of the fact that being a dissenting citizen in non-democratic states is not always the same thing as being a good citizen.

Conclusion

This chapter analysed citizens' political obligations, especially the obligation to resist injustice, on the basis of the natural duty framework in Chapter 1 and the refined participatory account of complicity in Chapter 4. Citizens' complicity plays the role of *particularisation* under a natural duty framework.

This chapter also dealt with issues regarding citizens' different types of complicity. I examined each group of citizens and concluded that all types of citizens have the political obligation to resist injustice, for their different ways to contribute to the non-democratic order do not affect the *particularisation* process. Indeed, their moral responsibilities vary from one another, but given the focus of this project, I will not have a more detailed discussion of their moral responsibilities.

As discussed in section 3.1, the participatory view also stresses regime characters. Pasternak highlights the distinction between states that respect basic human rights and states that do not, and Jubb's distinction between nakedly coercive regimes and popularly accepted regimes can help to put states that do not respect basic human rights into different categories. Chapter 3 offered a typology of non-democratic regimes, and in the next chapter, I will address the concern regarding regime characters drawing on the typology developed in Chapter 3.

Chapter 6 The Natural Duty of Justice and Citizens' Complicity: Types of Regimes

Introduction

Chapter 5 analysed the political obligations of different types of citizens, given their various modes of complicity in non-democratic regimes. It also discussed how different types of complicity put citizens under certain forward-looking responsibilities, namely, political obligations, by particularising their natural duty of justice. However, recall that in Chapter 4, I also anticipated an objection that since citizens in non-democratic states are coerced and manipulated to be complicit in the states, their complicity, no matter which type, neither grounds any responsibilities or particularises their natural duty of justice. In this chapter, I aim to respond to this objection with more details and offer an analysis of how regime characters of non-democratic states affect the citizens' political obligations, especially the obligation to resist injustice.

In previous chapters, especially Chapter 2, I stressed that we cannot treat all non-democracies merely as the opposite of liberal democracies and ignore their different institutional defects. We cannot assume that citizens in non-democratic states face similar restraints and intervention simply because the punishment for political dissent, censorship on media and political propaganda are prevalent in almost all non-democratic regimes. In Chapter 3, drawing on Wigell's typology of non-democratic regimes, I depicted four types of non-democratic regimes: decent regimes, populist regimes, soft authoritarian regimes and hard-core authoritarian regimes. Their different regime characters will give us a hint to understand the way citizens become accomplices and what public space they have to take collective action to resist injustice. The arguments in this chapter are developed on the basis of the typology in Chapter 3. I argue that although state coercion and manipulation exist in all types of non-democratic states, there is only one exception in which citizens do not have a political obligation to resist injustice, namely, the hard-core authoritarian regimes, a sub-type of the authoritarian regimes.

The chapter unfolds as follows. Section 1 will briefly recap the objection that state coercion and manipulation will leave non-democratic citizens no obligation to resist injustice. I have

anticipated this objection in Chapter 4 and argued that the key point of responding to this objection is to have a regime-type-based analysis of the political obligation to resist injustice. Section 2 will analyse state coercion and manipulation in different non-democratic regimes. By concentrating on four hypothetical examples, I aim to provide more specific contexts for the regime-type-based analysis. Section 2.1 analyses the situations in authoritarian regimes, drawing on the hypothetical examples of Eastland and Midland. Section 2.2 examines the objection's validity in populist regimes with the example of Northland. Section 2.3 discusses Southland, the hypothetical example of decent regimes.

1. State Coercion and Manipulation

In this project, I draw on the natural duty account of political obligations to ground non-democratic citizens' political obligation to resist injustice. As argued in Chapter 1 and Chapter 5, it is non-democratic citizens' complicity in their own state that particularises their universal duty of justice. The obligation to resist injustice is thus owed to their fellow citizens and the injustice in their own state is especially relevant for them. A most obvious objection to the argument that complicitous citizens have a political obligation to resist injustice is that they are coerced or manipulated into complicity. In the following paragraphs, I will anticipate four objections related to state coercion and political manipulation.

1.1 The Involuntary Institution Objection

One reason for coercion to become a problem is that both democratic and non-democratic states are involuntary institutions. After all, the nature of the state is "the monopoly of the legitimate use of physical force".¹ Opponents might argue that although citizens are complicit in their non-democratic state, most of them do not voluntarily choose to become a participant of the state and for most of them, it is not feasible to quit the complicity by emigrating to other states that are reasonably just. Because of this involuntary feature, they might say that we should not

¹ Max Weber, "The Profession and Vocation of Politics," *Weber: Political Writings*, 1994, 309–69, p. 310

burden citizens who do not choose to be a member and who have no option to opt out with the political obligation to resist.

Does the fact that non-democratic state is an involuntary institution cancels citizens' political obligation to resist injustice? Actually, this involuntary institution objection is also anticipated by Stilz when she argues that the democratic state, as a joint project, is similar to an orchestra in which special obligations owed to other members can be generated.² As mentioned above, this objection applies to both democratic states and non-democratic states. According to the objection, the analogy between an orchestra and a state is false because orchestra members consent to join, while most citizens are involuntarily born into the state. Thus, from the perspective of the opponents, while orchestra can generate the members some special membership obligations on the basis of players' commitment, involuntary participation in the state is not sufficient to generate political obligations.

Stilz responds to the involuntary institution objection as follows. Consent is not the only way to justify special obligations. If "I already have some pre-existing moral duty to do something that can only (or best) be accomplished by my acting together with some group", my voluntary choice to join is not necessary for a special obligation to contribute and cooperate with other group members.³ Collective action or the duty to act together can particularise some universal commitment into special duties.⁴ Stilz illustrates this point further by two examples: the involuntary fire brigade example and the subway riders example. In the first example, a person has a duty to help and save the neighbours who are trapped in a fire, and the fire brigade needs one person's help to save the fire. The person cannot refuse to cooperate with the fire brigade, no matter he is willing to join or not. The pre-existing duty of rescue, which is a universal one, "underwrites a more specific duty to act together with the brigade", even without consented membership.⁵ In the second example, several passengers in the same underground car witness a person punching the smallest person. The passengers can act together to prevent the violence and they do have the duty to constitute themselves into a group and then help the victim. It is also their duty to rescue, which is "incumbent on them as human beings", that grounds their

² Stilz, *Liberal Loyalty*, p. 192

³ *Ibid.*, p. 195

⁴ *Ibid.*, p. 196

⁵ *Ibid.*

special duty to form a group.⁶ Some of them might not consent to do so, but this does not change the fact that they are all obligated.

In my view, Stilz offers a plausible response to the involuntary institution objection by highlighting that consent is not the only basis to generate special obligations within a group. There is no obstacle for her response to be applied to a non-democratic context. Although most non-democratic citizens do not voluntarily choose to become a member of their own state, they have a pre-existing duty of establishing just institutions, which needs to be fulfilled by acting together with other people. As explained in Chapter 5, complicity can further translate this pre-existing duty into a special obligation to resist injustice. This special obligation is based on the natural duty of justice, which morally binds citizens regardless of their voluntary actions.

1.2 The Unreasonable Cost Objection

The second objection is also concerned about state coercion, but it has a focus on the cost of resistance to injustice. This is also an objection that applies to both democratic and non-democratic states, but relatively speaking, the unreasonable cost is a more serious problem in a non-democratic context. In most non-democratic states, it is common that citizens are punished, sometimes very harshly, because of their participation in social movements and their expression of political dissent. Resistance to injustice usually brings about a high cost that can be unreasonably high for an individual to bear, including imprisonment, political persecution and harassment of one's families. The second half of the natural duty of justice also says that one has the duty to help the establishment of just institutions only when the cost is reasonable.⁷ Thus, due to the unreasonable cost, opponents might argue that non-democratic citizens do not have the political obligation to resist.

It seems that the key to dealing with this objection is to find out an appropriate threshold for a reasonable cost. When the cost for resistance does not exceed the threshold, citizens in non-democratic states still have the political obligation to resist injustice. However, I do not aim to

⁶ Ibid.

⁷ Rawls, *A Theory of Justice*, p. 99

provide a detailed manual for citizens who are prepared to take actions in non-democratic states. My response does not aim to fully address the problem of unreasonable cost. Rather, I aim to demonstrate that analysis of cost for resistance is more complicated than it is conceived by the opponents. The unreasonable cost can dissolve the political obligation to resist, but it is wrongheaded to assume that citizens do not have this obligation simply because they live in non-democratic states.

Therefore, given the limited space, I will not give a full account of the cost for resistance in non-democratic states or a definite threshold for a reasonable cost. Disputes on which case is above the threshold and which case is below the threshold inevitably arise, but not all cases are hard cases. Our moral intuitions are able to offer us some general guidance on thinking about the problem of unreasonable cost. For example, if the cost for resistance is severe harassment on one's family members and years of imprisonment are certainly the types of unreasonable cost. But if the cost is losing a promotion opportunity, an informal warning, or sacrifice of some leisure time to join in a protest, it is still reasonable to expect the citizen to bear the cost. The key point is to realise that even in a non-democratic state, at least under some circumstances, citizens still have much more to do to resist injustice. The cost is not always unreasonably high simply because the state is non-democratic.

Underlying our moral intuitions are several parameters along which we reason about the problem of unreasonable cost. Privileges, capacities, and the specific form of the resistance movement a citizen participates in all play important roles here. If we are not satisfied with reasoning with our intuitions, we need to have a case-by-case analysis. However, as mentioned above, I only aim to demonstrate the complexity of the cost is underestimated by the opponents. I suggest that we need to realise this complexity and pay more attention to the situations where citizens' political obligation to resist is clearly not dissolved by the unreasonable cost.

1.3 The Repression Objection

The third objection is connected to the second one. The state coercion not only brings about an unreasonable cost for citizens, but it also squeezes the public space where citizens can organise

themselves and take collective action to address injustice. For example, in a non-democratic state where only the members of the dominant party can be elected as representatives, it is not necessary that citizens will be punished if they decide to run an electoral campaign as a member of an opposition party. The problem here is not an unreasonable cost, but there is insufficient public space for the opposition to challenge the dominant party. Admittedly, running the campaign is still an important gesture, but there can hardly be effective and meaningful political competition. Another example to illustrate this point is China's Great Fire Wall (GFW). GFW is a censorship and surveillance project operated by the Chinese government, which blocks a range of foreign websites that the government thinks to be harmful to political stability, including Twitter, Facebook, YouTube, Google and other foreign media. However, citizens who use certain technologies, for example, VPN, to visit these websites are usually not seriously punished; sometimes it is just a warning and sometimes no punishment at all. It is not the case that citizens who try to engage in public deliberation or express their critical opinions on these uncensored websites are faced up with an unreasonable cost for doing so; rather, the problem is GFW seriously constrains the public space where citizens can communicate, interact, deliberate and exchange their opinions with each other.

1.4 The Manipulation Objection

We now consider political manipulation. Political manipulation, which mainly includes political education and propaganda, is another important reason for citizens to obey the law, pay taxes or support the non-democratic regime in other more active ways, and more importantly, many citizens think they are not participating in wrongdoings by supporting a non-democratic regime. Most citizens in non-democratic states are brought up in an environment where they are immersed in intense political education and propaganda. From a very young age, they are discouraged to take a critical attitude towards their state and not to query the justification for the non-democratic order. Or, they are encouraged to stay away from politics and care more about their personal development and happiness. Patriotic ideologies and cynicism are dripped into everyday life, gradually fostering their fever for an 'almighty state', obedient attitudes towards political power, indifference to public affairs or distrust in politics. They lack sufficient resources and information to reflect upon their situation, the meanings of their action, their relations with the state, and moral defects of a non-democratic

regime. It is in such an environment that citizens' participatory intention is formulated. Opponents might argue that political manipulation in non-democratic states deprives citizens of information sources for independent and critical thinking, makes many of them unavoidably ignorant of their situation or discourages them to care about public affairs. Therefore, we cannot expect that citizens who are brought up and living in such a kind of political environment can realise that they have a political obligation to resist injustice and take up the obligation.

However, manipulation does not directly make citizens blind and insensitive to the facts about the non-democratic order and their contributions to it. It should be noted that the other side of the general success of state manipulation is usually citizens' massive self-deception. By self-deception, I refer to the phenomenon that citizens give up independent thinking and refuse to reflect on the meaning of their actions as well as the wider meaning of the social and political systems in which they reside. Admittedly, large numbers of citizens deceive themselves because state manipulation in non-democratic states makes it very difficult to keep an independent mind and public spirit. Indeed, they have limited access to information that should be public, they have no idea of policies which are made in the black box, censorship often makes it difficult to reflect upon one's real situation and the political education from a young age tends to shape their sympathetic attitudes towards the non-democratic political order. However, this does not mean that in all non-democratic states, self-deception is the only option. In other words, in many non-democratic states, a large number of citizens choose to deceive themselves instead of being made unavoidably ignorant. Unavoidable ignorance, as defined by Lepora and Goodin, is a case in which either (a) that you had no way of knowing or (b) that you had no reason for thinking that you should know".⁸ This situation is rarely the case in most non-democratic states. Foreign media, political activists or even literature and art are all resources that citizens can rely upon to make judgement on information they have received from political education and propaganda and form their own opinions. Thus, a prerequisite obligation for the political obligation to resist is to seek information seeking and reflect upon the information. The difficulties of getting access to such information vary in different non-democratic regimes, and we need to find out if state manipulation shapes the participatory intention of the citizens to such a degree that they cannot develop critical and independent

⁸ Lepora and Goodin, *On Compromise and Complicity*, p.95

reflection on their political environments and their political obligations. Again, this investigation needs to be done by looking at the situation in each type of non-democratic states.

So far, I have argued that the mere presence of state coercion and manipulation in non-democratic states is not enough to dissolve citizens' political obligation to resist injustice, although citizens' complicity is not fully voluntary. As I have mentioned, some more detailed and regime-character-focused analysis needs to be offered. The typology of non-democratic regimes in Chapter 3 has laid the foundation for such an analysis. Regime types may draw a line between situations where the objections are valid and where they are not. In the following discussion, I shall examine whether citizens still have the political obligation to resist injustice when we take coercion and manipulation into consideration in each type of non-democratic states.

2. A Regime-Type-Based Analysis

In this section, I will first recap the typology of non-democratic states I developed in Chapter 3. The typology in Chapter 3 puts political regimes into four categories by differentiating their constitutional attributes and electoral attributes. Given these variations, I further develop two specific conditions which can cancel citizens' political obligations. In each type of non-democratic regime, I will investigate (1) whether state coercion substantively reduces the public space in which citizens can act collectively to resist injustice and (2) whether political manipulation deprives citizens' options to reflect upon the meaning of their actions and the nature of the non-democratic regimes in which they participate. The satisfaction of either (1) or (2) makes citizens have no political obligation to resist injustice. That is, if citizens barely have such public space to organise effective collective action to resist injustice, then they have no political obligation to resist injustice; if political attitudes are so heavily affected and deeply shaped by political manipulation, and citizens lack access to external information, they have no political obligation to resist injustice, either.

Following Wigell, I take constitutionalism and electoralism as the two constitutive elements of democracy. Constitutionalism protects citizens' rights against unlimited executive power and

the tyranny of the majority, and electoralism guarantees the equal representation of citizens' interests and self-government.⁹ As mentioned in Chapter 3, the formation of today's democratic states combines liberalisation, which expands citizens' civil liberties, and popularisation, which enfranchises a larger population.¹⁰ Wigell's two-dimensional approach puts political regimes into four types, three of which are non-democratic ones. I further outlined four subtypes: decent regimes, populist regimes, soft authoritarian regimes and hard-core authoritarian regimes. In this section, I will fill in more details of each subtype by offering four hypothetical examples as 'tokens' of decent regimes, populist regimes, soft authoritarian regimes and hard-core authoritarian regimes. Indeed, the hypothetical examples are inspired by details of some real-world non-democracies. However, since this project is not a work of area studies, I try to avoid controversial discussion on which category a real-world example belongs to.

2.1 Decent Regimes: Southland

Decent regimes do not satisfy the basic electoral conditions while satisfying the basic constitutional conditions. Usually, only part of the adult citizens is enfranchised, or serious defects exist in electoral systems, but the state generally protects and respects freedom of association, free speech and the rule of law.¹¹ In the following analysis, I will focus on Southland, a hypothetical decent regime.¹²

The state's basic respect for freedom of association, free speech and the rule of law guarantees a basic public space in which citizens can act together in various political campaigns and social movements. Although Southland citizens are still struggling for their universal suffrage, half of the seats are chosen through direct elections.¹³ Elections provide an important public venue for collective action. In electoral campaigns, Southland citizens can effectively organise

⁹ Wigell, "Mapping 'Hybrid Regimes,'" p.234

¹⁰ Ibid., p.235

¹¹ Admittedly, the disenfranchised citizens' civil rights do not receive equal respect as other citizens do in practice. However, compared with populist regimes and authoritarian regimes, decent regimes will have a higher score in respect of constitutionalism.

¹² Southland is mainly inspired by Hong Kong. According to Freedom House's review, Hong Kong scores 2/7 on civil liberties and 5/7 on political rights (1=most free, 7=least free), which demonstrates an unbalance between the constitutionalism and electoralism. See "Hong Kong *," January 4, 2018, <https://freedomhouse.org/report/freedom-world/2018/hong-kong>.

¹³ This description of the electoral system in Southland is also inspired by that of Hong Kong. See "Hong Kong *."

themselves and vote for candidates who may challenge the dominant position of the incumbents.¹⁴ In Southland, there is also public space for political resistance, including legal protests and civil disobedience, at least one that is similar to the Rawlsian ideal.¹⁵ Without complicated or arbitrary application procedures to go through, citizens' right to legal protests are protected by the law. Furthermore, whether civil disobedience is a justified response to specific injustice in society can be publicly discussed and debated. The court will seriously consider the motivation of the disobedients when they plead not guilty on the basis of civil disobedience.¹⁶ These characters of the decent regime of Southland demonstrates that state coercion in Southland does not compress the public space to the degree that citizens' obligation to resist injustice is dissolved.

The manipulation objection does not apply to Southland, either. As defined in Chapter 3, decent regimes have a good record of their protection for citizens' civil liberties and constitutional rights. In Southland, freedom of speech and freedom of media are well protected, although the state also makes it compulsory for teenagers to accept some patriotic education at school. At large, political manipulation is not a serious problem for Southland. There is no special difficulty for Southland citizens to develop critical reflection upon their regime as well as their relations with the state. Their different types of participatory intentions are not formed in a political environment where they lack access to alternative information.

2.2 Populist Regimes: Northland

Populist regimes satisfy basic electoral conditions, but they do not satisfy the basic constitutional conditions. Wigell explains this type of regime by using the example of

¹⁴ There can be illustrated by the situation in Hong Kong as well. As noted by the report provided by Freedom House, in September 2016 elections, "a growing movement emphasizing localism and self-determination emerged to compete with existing pro-Beijing and pro-democracy camps. Candidates from this movement...captured six seats." See "Hong Kong *."

¹⁵ An example in our real world is the Umbrella Movement, which broke out as a response to China's refusal to keep its promise on genuine universal suffrage for Hong Kong citizens. At first, it was a legal protest and then turned into a case of civil disobedience when the participants refused to end their occupation as requested by the police. Activists and politicians who led this movement took Rawls's ideal of civil disobedience as a model. Although in literature the Rawlsian ideal is criticised to be too narrow, one leader of the Umbrella Movement made it clear that they took this public, non-violent, communicative strategy because of the regime characters of Hong Kong, especially its respect for the rule of law. See "Closing Submission of Benny Tai | Civil Disobedience | Elections," Scribd, accessed September 9, 2019, <https://www.scribd.com/document/395508015/Closing-Submission-of-Benny-Tai>.

¹⁶ Again, some Hong Kong citizens' experience in participating in civil disobedience can illustrate this point. In the recent trial of the activists and politicians, the court seriously considered whether they could plead not guilty based on civil disobedience. See "Closing Submission of Benny Tai | Civil Disobedience | Elections"

Argentina during 1946-1955, also known as the Peronist regime. In this section, I use the hypothetical example of Northland, where the president and representatives are elected in inclusive elections while constitutional rights and rules are not sufficiently respected, and opposition movements and opponents are weakened and repressed.¹⁷ I further assume that Northland used to be a democratic state that just satisfies basic electoral conditions and constitutional conditions in Wigell's typology. Democracy regresses in Northland and it became populist regime since a right-wing political leader's success in the general election. From his first term, the president started repressing media freedom, intervening judicial independence, imposing a more strict restriction on legal protests and proposing several policies that marginalise minority groups in the society.

Northland still has free, inclusive and competitive elections, and the sustainability of the regimes relies on a large number of citizens' support through their voting for the leader and his political party. Elections in Northland still serves as an important public venue for citizens to act together to deliberate on public affairs, although the electoral system is under predictable threat of the populist leader's efforts to harass the opposition candidates and campaign workers. Citizens have opportunities to organise themselves to express their opposition, cast a vote or refuse to vote.

Northland does not completely block alternative information, although many basic liberal values have been threatened since the first term of the right-wing leader. For example, the government starts imposing censorship in the press in the name of safety and security. There is more intensive political propaganda which advocates the importance of national strength, solidarity and patriotism. However, at this stage, Northland citizens still have access to different media including foreign media and censorship is not as strict as it is in a typical authoritarian regime. It remains their own choice of how to understand the regime in which they live, what injustice their fellow citizens are suffering, and how they are related to the regime and the injustice midst it. They are not put into the situation where they are unavoidably

¹⁷ Northland is a hypothetical state that shares some common features with Russia. This summary of characters of Russia comes from Brian D. Taylor, *State Building in Putin's Russia: Policing and Coercion after Communism* (Cambridge University Press, 2011), p. 3. However, compared with Russia in our real world, Northland has a higher score on the dimension of electoralism, for it still has free, fair, competitive and inclusive elections.

ignorant of the wider meaning of the non-democratic order and their contributions to the political order by political manipulation.

In a populist regime like Northland, public space does not shrink to the degree that collective actions cannot be effectively organised, although the public space is still more restricted than the democratic Northland. In addition, Northland citizens are able to critically reflect upon their regime and their relations with the state. Both condition (1) and (2) are not satisfied, and therefore, citizens still have the political obligation to resist injustice in Northland.

2.3 Authoritarian Regimes: Midland and Eastland

In authoritarian regimes, politics is not competitive, the government's power is not properly fettered, and citizens' civil and political rights are seriously limited. As mentioned, this section will analyse two hypothetical examples. Midland is an example of soft authoritarian regimes whereas Eastland is an example of hard-core authoritarian regimes. A soft authoritarian regime is 'soft' in the sense that it aims to 'persuade' citizens to accept the legitimacy of its rule and thus it relies more on political manipulation.¹⁸ On the other hand, a hard-core authoritarian regime is "nakedly coercive", as Jubb describes the regime character of North Korea.¹⁹

Soft Authoritarian Regimes: Midland

Let us start with Midland. Midland is an authoritarian state, which does not satisfy the basic conditions of both electoralism and constitutionalism. It implements a one party-system; freedom of association and free speech are seriously restricted; rights to alternative information are impaired as selected foreign media are blocked and non-state media in Midland are facing censorship regulation.

¹⁸ The name of a soft authoritarian regime is inspired by Edward Schatz, "The Soft Authoritarian Tool Kit: Agenda-Setting Power in Kazakhstan and Kyrgyzstan," *Comparative Politics* 41, no. 2 (2009): 203–22. In this paper, Schatz defines soft authoritarian regimes like the ones of which the cement is "an elite's ability to frame political debate, thereby defining the political agenda and channelling political outcomes." It should be noted that this definition is different from the one I shall give later in the following discussion, but they do share something in common: such authoritarian regimes do not rely centrally on naked coercion.

¹⁹ Jubb, "Participation in and Responsibility for State Injustices," p. 60. Jubb's description of North Korea is also based on Barbara Demick, *Nothing to Envy: Real Lives in North Korea* (Granta, 2010); Brian Reynolds Myers, *The Cleanest Race: How North Koreans See Themselves—And Why It Matters* (Melville House, 2011).

However, Midland is a soft authoritarian regime in the sense that the regime does not rely on naked coercion as the main method to rule. The situation in Midland resembles the situation in China in Maria Repnikova and Kecheng Fang's research, in which they call the state's manipulation strategy "authoritarian participatory persuasion".²⁰ The political rule is *participatory* and takes a more subtle and civilised form: Chinese citizens are allowed, or even encouraged to interact with state media, polices and government departments, and the state also has some tolerance (though limited) for challenges to and satire on the official ideology.²¹ I simply assume that Midland, as a hypothetical state, adopts a similar manipulation strategy.

Midland's reliance on persuasion leaves some space for citizens to develop varying political attitudes. Despite the ruling party's efforts to shape public opinion, Midland is not a completely closed system. I concede that Midland's restriction on alternative information makes it much easier for the citizens to be persuaded to support their state and participate in recreating the pro-regime discourse. However, compared with a completely closed system, such as the hard-core authoritarian regime which will be discussed below, political manipulation in Midland functions in a substantively different way. As emphasised, the aim is to persuade the majority to support the regime with the help of their own participation in the propaganda process, which means that it remains citizens' options to be persuaded and to participate in the way as the state expects.

Admittedly, when the restriction on alternative information reaches a certain level, we cannot reasonably expect an ordinary citizen not to be persuaded, even if the system is still not completely closed. However, for the case of Midland, let us assume that the restriction does not reach the threshold and citizens are still able to resist the pro-regime discourse. What exactly is this threshold is not a question I am able or pursue to answer in this chapter, but I have a few preliminary thoughts about how to draw the boundary. We need to consider whether the state puts up merely technological obstacles for citizens to gain access to alternative

²⁰ Maria Repnikova and Kecheng Fang, "Authoritarian Participatory Persuasion 2.0: Netizens as Thought Work Collaborators in China," *Journal of Contemporary China* 27, no. 113 (2018): 763–779, p. 764. Repnikova and Fang define authoritarian participatory persuasion as a strategy by which "the targets of propaganda are made into active collaborators in the process of recreating pro-party discourses online, and civility discourse often marks and unifies the different dimensions of this participation."

²¹ *Ibid.*, pp.763-4

information or it harshly punishes citizens who seek alternative information. If the state chooses to punish citizens, we tend to think that the restriction reaches the threshold. For Midland, there is no harsh punishment for searching for alternative information and I aim to demonstrate through this example that there are soft authoritarian regimes where citizens' political obligation to resist injustice cannot be dissolved by the existence of state manipulation.

Besides this participatory feature, in Midland, there still exists a public space for some collective action to resist injustice, at least injustice that is not directly perpetrated by the state. For example, the #MeToo movement, a social movement mainly targeting structural injustice, also made waves in Midland. A large number of Midland citizens, especially female citizens, were engaged in collective activities which aimed at speaking out the injustice women had suffered and bringing about some reforms to Midland's laws and institutions to address the injustice.²² On one hand, there was suppression on the movement as the #MeToo hashtag was eventually blocked by the government; on the other hand, the officials also acknowledged the existence of the structural problem and had some discussion on how the government and universities should respond, and some allegations led to the dismissal of those who were accused.²³ The movement was also followed by a large-scale online public debate on whether the #MeToo movement violated certain liberal principles, such as the rule of law and presumption of innocence.²⁴

The example of Midland illustrates how state coercion and political manipulation function in a soft authoritarian regime. First, there is no need to deny that state coercion significantly reduces public space as the state still prohibits free deliberation and adopts a hostile attitude to citizens' organised collective action. Second, public space still exists if the social movement does not pose a direct threat to the stability of the regime. In some instances of structural injustice, as the state does not play a direct role in perpetuating the injustice, citizens can

²² As Midland resembles China in several aspects, I also fill in the details of #MeToo in Midland drawing on China's #MeToo movement. According to a report on ChinaFile, Chinese women organised at least 70 open letters to universities to set up institutional guarantees to prevent sexual harassment on campus; in the meantime, they also posted their stories of sexual harassment on social media with the #MeToo hashtag, which attracted over 4.5 million hits on Weibo. See "What Is the Significance of China's #MeToo Movement?," ChinaFile, March 20, 2018, <http://www.chinafile.com/conversation/what-significance-of-chinas-metoo-movement>.

²³ "What Is the Significance of China's #MeToo Movement?"

²⁴ "無法迴避的浪潮 | 中國#MeToo 調查全記錄," accessed September 9, 2019, <https://theinitium.com/project/20181021-metoo-in-china/>.

organise themselves and mobilise other citizens to participate in the collective projects that aim to redress the injustice. In summary, state coercion in Midland does not reduce the public space to the degree that citizens cannot organise and participate in collective action to resist injustice. The repression objection is not valid in such a non-democratic state like Midland.

Hard-core Authoritarian Regime: Eastland

Finally, I will examine whether the repression objection and the manipulation objection can apply to a hard-core authoritarian regime. I use Eastland as a hypothetical example. In Eastland, freedom of movement, freedom of association and alternative information are extremely constrained; the state has an extensive network of secret police and labour camps; the Eastland People's Party (EPP) remains dominant and maintains a totalitarian dictatorship.²⁵ Citizens are merely the objects of political education, political mobilisation and punishment; unlike Midland citizens, Eastland citizens are not expected to be persuaded by the pro-regime discourse. Acceptance of the legitimacy of the state and wholehearted support are the only option they have.

Before starting our analysis of citizens' political obligation to resist injustice in Eastland, a question might arise: are citizens' agency implicated in the injustice the state perpetuates and allows to be perpetuated? If not, they are not complicit in the hard-authoritarian state and have no special obligation to resist injustice. Jubb gives a negative answer to this question, as citizens are merely treated by their state as tools rather than purposive agents.²⁶ However, I disagree with Jubb's conclusion that they are not participants of the state. That citizens are treated as tools by their state does not mean that they are like or even the same as tools. They are aware of how the non-democratic regime functions in their daily life and are able to adjust their attitudes and personal goals towards the state's goal of maintaining the authoritarian political order. According to the refined account of complicity, we can still find citizens as co-principals, indifferent citizens and dissenting citizens among Eastland citizens.

²⁵ For details of Eastland, I mainly follow Jubb's description of North Korea. See "Participation in and Responsibility for State Injustices," pp.59-60

²⁶ *Ibid*, pp.67-8

The problem in grounding the special obligation to resist injustice in a hard-core authoritarian regime is not that citizens' agency is not implicated in the state. The problem, rather, is that state coercion creates a vacuum of public space for Eastland citizens to organise effective collective action and that political manipulation leaves most citizens nearly unavoidably ignorant of their situation by monopolising the information citizens can get. The cruel punishment for dissenters, the extreme control on citizens' actions and the complete block of external information destroy the conditions on which citizens can organise themselves, mobilise their fellow citizens and critically reflect upon their actions as well as their political circumstances. It is unreasonably costly for citizens to resist injustice in Eastland and it is nearly impossible to initiate or join in collective action to resist injustice due to the vacuum of public space.

That being said, Eastland citizens are still bound by general natural duties. As my focus in this project is citizens political obligation to resist injustice, I will only briefly discuss the general duties Eastland citizens have. The discussion, therefore, does not cover all important aspects of the problem of citizens' general natural duties in a non-democratic state like Eastland.

In Eastland, an enthusiastic supporter of the supreme leader can be regarded as a citizen as co-principal, and according to the analysis above, the supporter does not have the political obligation to resist injustice. This is because she lacks resources to critically assess her own actions and the state he supports, there is no public space for her to participate in any collective efforts to resist, and resistance is over costly. However, her natural duties still require her not to harm the innocent. The duties bind her simply because she is a moral person. That is to say, even if a supporter of a hard-core authoritarian regime does not have the special obligation to resist injustice, she is still morally prohibited from participating in political persecution, working for a concentration camp or being an informant. Even if refusal to do so brings about unreasonable cost to a citizen, this does not immediately dissolve her duty. We still need to weigh this unreasonable cost against the harm her compliance will cause to others. For example, if Suzi refuses to work for the authority as an informant, she will lose her job and get mired in poverty, arguably this is an unreasonable cost for Suzi. However, if she acts as an informant, the people she reported to the authority will be sent to a labour camp. This harm

still prohibits Suzi from working as an informant. Her moral duty not to participate in this kind of activities cannot be cancelled only because of the unreasonable cost that Suzi will bear.

So far, I have investigated if citizens have the political obligation to resist injustice in the four hypothetical non-democratic states. This regime-type-based analysis focuses on the objective conditions under which citizens' collective actions are constrained and their participatory intentions are formed. I examined 1) if state coercion makes the public space shrink to a degree that collective action to resist injustice can hardly be organised and 2) if political manipulation functions in the way that leaves most citizens no options to critically assess their contributions to the state and their political circumstances. At least for the examples I used in this chapter, only in hard-core authoritarian regimes like Eastland, citizens do not have the political obligation to resist injustice.

Conclusion

In this chapter, I aimed to respond to several objections to my claim that complicitous citizens have a political obligation to resist injustice in non-democratic states. The objections are concerned about a common phenomenon in non-democratic states: state coercion and manipulation usually constrain citizens' options to take political actions and shape their political attitudes. I anticipated the involuntary institution objection, the unreasonable cost objection, the repression objection and the manipulation objection.

I argued that Stilz has already had a plausible response to the first objection. The basic idea is that despite the involuntary feature of the state, our special obligation owed to our fellow citizens is grounded on the natural duty of justice, which is a universal and pre-existing duty. Therefore, whether we consent or not to be the members of the non-democratic state, this natural duty is binding us and our complicity in our own state particularises this general duty into a special obligation.

As the cost for resistance varies from one individual to another, I conceded that I cannot give an account of the threshold of reasonable cost for resistance in this project. However, by

appealing to moral intuitions, we can still distinguish cost that is clearly below the threshold from the cost that is clearly above the threshold, no matter where we draw the line. My response to the unreasonable cost objection simply intended to demonstrate that the problem is far more complicated than it is conceived by the opponents.

Responding to the repression objection and the manipulation objection requires a regime-type-based analysis; otherwise, we are trapped by some stereotypes we have about non-democracies. Therefore, in Section 2.1, 2.2 and 2.3, I offered an analysis of citizens' political obligation to resist in four each type of non-democratic regimes. Through four hypothetical examples of non-democratic states, I demonstrated that resistance in non-democracies did not always incur unreasonable cost, state coercion did not always create a vacuum of public space where citizens could act together to resist injustice, and political manipulation did not always deprive all resources citizens could rely on to develop independent and critical thinking. Only in hardcore authoritarian regimes such as North Korea, the state coercion and political manipulation functions in a way that citizens' political obligation to resist is dissolved.

Of course, the four examples cannot cover all situations in non-democratic states. Although the four examples are inspired by details of real-world non-democracies, this does not mean the analysis can be directly applied to real-world cases. As it is repeatedly stressed, non-democracies are complicated and diverse. My modest aim of this chapter is to show what the theoretical analysis in the previous chapters can tell us about citizens' political obligation to resist injustice if we know about the specific characters of a non-democratic regime and offer some hints of conducting a regime-type-based analysis of citizens' political obligations.

Conclusion

As we saw in the Introduction, political activists, through their deeds and words, repeatedly emphasise that citizens have a moral obligation to resist injustice. But as I have shown throughout the discussion there seems to be a lacuna in political theory about the political obligation to resist. Furthermore, the narrow understanding of the concept of political obligations, which regards the survey for moral reasons for obeying the law as the most basic problem of political obligations, also draws much of our attention to democratic states while neglecting the problem of political obligations in non-democratic states. Recall that in the Introduction, we started our exploration with the example of the Sunflower Student Movement in Taiwan. The movement happened in a liberal democracy, but the quotation the students used to mobilise other citizens to support and join in the movement is one that is originally tailored to citizens living in non-democratic states. “When revolution becomes a fact, revolution becomes a duty”, but how can we defend such a duty and why is it a political obligation for non-democratic citizens?

My central argument in this research project was that for most non-democratic citizens, they have a political obligation to resist injustice, grounded on the natural duty of justice. This obligation is a special obligation owed to one’s fellow citizens because citizens’ complicity particularises the general natural duty of justice. The only exception is citizens in what I called a ‘hard-core authoritarian state’. In this type of non-democratic states, due to severe repression for political dissent and strict censorship on alternative information, there is rarely public space where citizens can organise themselves into collective action to resist injustice and mobilise their fellow citizens to join in, and citizens can hardly reflect on their political circumstances and their relations with the states. In other types of non-democratic regimes, although their

different characters also shape and erode the public space in different ways, block alternative information to different degrees and impose varying intensity of political education and propaganda, citizens still have a political obligation to resist injustice. The argument challenges the traditional understanding of the concept of political obligation, which narrowly focuses on the obligation to obey the law.

My strategy in this project was to apply Stiliz's natural duty account of political obligations, which almost exclusively considers the ideal situation in a democratic state, to the context of non-democracy. Stiliz's account first defends a general moral duty of stepping into a just state, which is necessarily a democratic one, on the basis of our natural duty to realise and respect each other's equal freedom. Then, drawing on collective action theories that define collective action as shared intentions, especially Bratman's model of collective action, she argues that democracy is a kind of joint activity in which citizens participate to mutually coerce each other and democratically define a fair scheme of their rights. The general duty of entering a just state is particularised, by the fact that citizens are acting together in a democracy, into solidarity with one's own compatriots and allegiance to one's own democratic state.

I demonstrated that the switch of contexts from democracy to non-democracy gives rise to several new concerns that need to be addressed, for the plausibility of Stiliz's account relies on the idea that democracy is a joint activity of citizens. Obviously, the major concern is whether citizens of the same non-democratic state can be regarded as acting together. I argued that citizens are acting together in the non-democratic states; they are complicit to maintain the non-democratic order; their complicity, regardless of the forms and the political circumstances where it takes place, almost always establishes a special connection between citizens and

injustice perpetrated in their non-democratic state. I argued that complicity particularises the general duty of resisting injustice into a special political obligation.

The idea that we have a general moral duty to resist injustice seems self-evident. We certainly should have this commitment to justice. In Chapter 1, I offered an overview of contemporary natural duty theories. Natural duties are duties we have simply because we are moral persons; they are universal and binding every individual, regulating the interpersonal interactions. A common ground of contemporary natural duty theorists is that to fulfil our natural duties, it is not enough that each of us is committed to certain principles of justice in our interpersonal relations; it is also necessary that we have authoritative political institutions that define the boundaries of our freedom, protect these rights against arbitrary violation, assert our equality publicly and settle down the conflicts between individuals. With such emphasis on the moral imperative of a public authority, natural duty theorists explicitly or implicitly agree with Kant, who argues for a duty to abandon the state of nature and enter a state of legal distributive justice. However, I suggested that when we find ourselves in an unjust state, the duty naturally transforms to a duty to resist injustice, for resistance is an inevitable step for reforming or re-establishing just institutions through which our Kantian duty can be fulfilled.

I argued in Chapter 2 that when we understand the political nature of political obligations, the concept should not only contain the traditional dimension, namely, the obligation to obey the law. There are at least two other important dimensions: the obligation to participate in politics and the obligation to resist injustice. However, it is not that easy to defend that the moral duty to resist injustice is among citizens' political obligations simply because the conceptual analysis demonstrates a potential for a broader understanding of the concept. It is not sufficient to show that individual citizens have a general duty to resist injustice, injustice that happens at

home or abroad. If what we have is merely a general duty to resist, we can choose the project we are committed to according to our personal concerns, ability, the cost and our adjacency to the injustice. However, this is obviously not the way a political obligation binds us as citizens.

I argued that as a political obligation, the duty to resist requires us to act together with our own fellow citizens and to concern about the injustice in our own state. Injustice in our non-democratic state is especially relevant for us. We saw that there were several challenges to explain this particularity of non-democratic citizens' political obligation to resist injustice. Unlike democratic citizens, non-democratic citizens are not participants of a democratic scheme where they act together to formulate the law and define their rights; it seems that non-democratic citizens lack a shared intention in the state and do not constitute any joint activities. Actually, we observe diverse or even conflicting intentions among them: some wholeheartedly support the regime, some try to maximise their personal benefits from cooperating with the regime, some are indifferent to public affairs and retreat to their private lives, some try to maintain their moral integrity to avoid being engaged in injustice perpetuated in the state, and some others actively and publicly working as activists to bring about changes and reforms to the status quo. In what sense are they acting together in a non-democratic state?

I drew on Kutz's account of collective action and complicity to offer a complicity argument that explains the particularity of non-democratic citizens' political obligation to resist injustice. I argued that citizens in a non-democratic state share a participatory intention, which is the defining feature of collective action in Kutz's account, despite the different political attitudes they have and different actions they take. It is complicity that involves non-democratic citizens in collective action and connects them to the injustice perpetrated or allowed to be perpetuated in their own non-democratic state. As the participatory intention merely requires the agent to

see their contribution as part of the collective project, it actually accommodates all the political attitudes mentioned above. I concluded that citizens are complicit to maintain the non-democratic order simply by obeying the law, paying taxes and being reflectively aware of their contribution to the non-democratic order.

Admittedly, the complicity argument makes ordinary citizens and even the activists implicated in the injustice of a non-democratic state. However, it is noteworthy that I rejected the view that complicity directly puts citizens under the obligation to resist injustice. I acknowledged that citizens are complicit in different ways: some are acting as co-principals of injustice, some remain indifferent to public affairs and others demonstrate their dissent privately or publicly. Such distinction is significant for holding citizens morally responsible for injustice, but, as I have examined in Chapter 5, it does not change the fact of complicity, and citizens' different ways of contributing to the non-democratic order do not affect the particularisation process. I suggested that as a citizen of a non-democratic state, injustice in my state and sufferings of my compatriots are especially relevant for me, despite my disapproval of the non-democratic order. My obedience and tax payment are structured by my non-democratic state and they contribute to the mutual coercion of my fellow citizens; my subjective attitudes and feelings—be it alienation, apathy, or dissent—can not break down the objective connection I have with my own democratic state. As a citizen, I have a special obligation to act in solidarity with my fellow citizens to resist the injustice of our own state.

Another concern that needs to be addressed is the political circumstances of non-democratic states. State coercion and manipulation in non-democratic states might cancel the obligation to resist injustice, as the non-democratic state can vacuum the public space where the citizens can organise themselves and block alternative information with which citizens can reflect on their

political circumstances. I emphasised in this project that non-democratic regimes cannot be regarded as one type of political regimes with similar characters. They can vary a great deal from one to another. I argued that the repression and political pressure citizens are faced up within a non-democratic state depends on regime characters; the political education and propaganda citizens receive also depend on such characters. Therefore, I conducted a regime-type-based analysis of citizens' political obligation to resist in Chapter 6, on the basis of a typology of non-democracies in Chapter 3. The analysis demonstrated that only in what I called a hard-core authoritarian regime, citizens have no such obligation to resist injustice, for they hardly have any public space to take collective civic action and have almost no access to alternative information. In other types of non-democratic regimes, citizens, though confronting difficulties of varying kinds and degrees, still have the political obligation to resist injustice.

Therefore, we can now go back to the examples of non-democratic states we considered in the Introduction: Hong Kong, Turkey, China, Russia, and North Korea. Citizens of Hong Kong have the political obligation to resist injustice as they live in a decent regime. The recent anti-extradition law protest is an example of Hong Kong citizens fulfilling their political obligation to resist. When the city's rule of law is threatened, citizens have a duty to stand out to resist the unjust bill. The political regime of Hong Kong still leaves ample public space for citizens to organise themselves in street demonstrations and online deliberations.

Turkey and Russia are more likely to fall into the category of populist regimes, according to the typology given in Chapter 3. Citizens of these two states, according to my argument, also have the political obligation to resist injustice, although they enjoy less civil liberties than Hong Kong citizens. Recent protests demonstrate that the public space for collective action is still

there and needs citizens' action to protect the frontier. Citizens should not remain indifferent to further deterioration of their states.

China, which inspired my hypothetical example of the soft authoritarian regime, is perhaps on its way sliding to a hard-core authoritarian regime. However, at the moment, Chinese citizens still have the political obligation to resist injustice. The public space is seriously eroded, and patriotic propaganda is difficult to avoid, but the system is not a completely closed one. Large-scale, organised resistance may not be an option, but citizens can fulfil the obligation by seeking alternative information and resisting to some structural injustices, such as gender inequality.

Finally, according to my argument, North Korean citizens do not have the political obligation to resist injustice. We can hardly imagine any collective action to be organised in North Korea, and the closed system of the state makes citizens unable to meaningfully reflect upon their political circumstance.

I have summarised the argument and considered some implications. Lastly, I turn to point to areas which require further work.

I concede that in this project, I did not have a detailed analysis of the cost of resisting injustice. One reason is that this problem is over-complicated to be discussed in the limited space I have in this project. As it was pointed out in Chapter 6, many factors affect the cost of resisting injustice. Regime characters, of course, are among these factors, but the cost also depends on many personal conditions, such as the social-economic status, professions and specific situations of a particular resistance movement (for example, whether the resistance is civil). It

is even more difficult to have a unified standard for ‘unreasonable cost’. A reasonable cost for an intellectual to bear might be over-demanding for an ordinary person from the working class. It is also difficult to decide what measurement we should use. Cost for resistance takes various forms in non-democratic states; it can be a legal punishment, but it can also be social pressure, online bullying, harassment on one’s family members, enforced silence on social media, negative impacts on one’s career and so on. How can we compare these costs? Readers will not find answers to this kind of questions about the cost of resistance, although the problem of cost is important and deserves further exploration. In this project, I concentrated on the normative ground for the duty to resist and citizens’ special connection with the injustice of their own non-democratic state.

There is another problem worthy of exploration in the future. I argued that political obligations, including the obligation to resist injustice, should be discharged collectively and publicly. However, under some circumstances (such as the circumstance of a hardcore authoritarian regime), when public and collective resistance is not feasible or counter-productive, is it possible that citizens’ political obligation to resist ‘degrades’ to some obligations that can be fulfilled in a private way, such as recording the injustice in private, keeping a memory of it, and aiding the victims of injustice. At first glance, it seems that even such moral duties exist, they are not political and there is no need to consider them in an account of political obligations. However, we also notice that in some non-democratic states, the state invades into the private life of citizens to such a degree that a relatively clear distinction between ‘public’ and ‘private’ can be hardly sustained. Anything private, from the perspective of the state, is also political. Thus, perhaps moral efforts in private also have significant political implications. Certainly, to vindicate this claim needs much more work. But again, the underlying motivation for the exploration is the same: even if we live in a non-democratic state, confronting much more

pressure but fewer opportunities to shape our common life than democratic citizens, this does not mean that we have no political obligations at all; we must think carefully about what we are morally required to do as citizens.

Bibliography

- Beerbohm, Eric. *In Our Name: The Ethics of Democracy*. Princeton University Press, 2012.
- Bogaards, Matthijs. "How to Classify Hybrid Regimes? Defective Democracy and Electoral Authoritarianism." *Democratization* 16, no. 2 (2009): 399–423.
- Bratman, Michael. *Intention, Plans, and Practical Reason*. Vol. 10. Harvard University Press Cambridge, MA, 1987.
- . *Faces of Intention: Selected Essays on Intention and Agency*. Cambridge University Press, 1999.
- Brown, Kimberley. "Conscientious Objection and Civil Disobedience." In *The Routledge Companion to Philosophy of Law*. Routledge, 2010.
- Buchanan, Allen. "Political Legitimacy and Democracy." *Ethics* 112, no. 4 (2002): 689–719.
- Christiano, Thomas. "The Authority of Democracy." *Journal of Political Philosophy* 12, no. 3 (2004): 266–290.
- Cohen, Joshua. "Is There a Human Right to Democracy?" *The Egalitarian Conscience: Essays in Honour of GA Cohen* 226 (2006).
- Cullity, Garrett. "Moral free riding." *Philosophy & Public Affairs* (1995): 3-34.
- Dagger, Richard. *Civic Virtues: Rights, Citizenship, and Republican Liberalism*. Oxford University Press on Demand, 1997.
- Dagger, Richard K. "What Is Political Obligation?" *American Political Science Review* 71, no. 1 (1977): 86–94.
- Delmas, Candice. "Political resistance: A matter of fairness." *Law and Philosophy* 33, no. 4 (2014): 465-488.

———. *A Duty to Resist: When Disobedience Should Be Uncivil*. Oxford University Press, 2018.

Demick, Barbara. *Nothing to Envy: Real Lives in North Korea*. Granta, 2010.

Diamond, Larry. "Elections without Democracy: Thinking about Hybrid Regimes." *Journal of Democracy* 13, no. 2 (2002): 21–35.

———. "Is Pakistan the (Reverse) Wave of the Future?" *Journal of Democracy* 11, no. 3 (2000): 91–106.

Dworkin, Ronald. *Law's Empire*. Harvard University Press, 1986.

Ekman, Joakim. "Political Participation and Regime Stability: A Framework for Analyzing Hybrid Regimes." *International Political Science Review / Revue Internationale de Science Politique* 30, no. 1 (2009): 7–31.

Fan, Jiayang. "Liu Cixin's War of the Worlds," June 17, 2019.

<https://www.newyorker.com/magazine/2019/06/24/liu-cixins-war-of-the-worlds>.

Fang, Kecheng, and Maria Repnikova. "Demystifying 'Little Pink': The Creation and Evolution of a Gendered Label for Nationalistic Activists in China." *New Media & Society* 20, no. 6 (2018): 2162–2185.

Fiala, Andrew, "Anarchism", *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/spr2018/entries/anarchism/>.

"France," January 4, 2018. <https://freedomhouse.org/report/freedom-world/2018/france>.

Gardner, John. "Complicity and Causality." *Criminal Law and Philosophy* 1, no. 2 (2007): 127–141.

———. "Review of *Complicity: Ethics and Law for a Collective Age*, by Christopher Kutz." *Ethics* 114 (2004): 827–30.

Gilbert, Margaret. *Joint Commitment: How We Make the Social World*. Oxford University Press, 2013.

Green, Thomas Hill. *Lectures on the Principles of Political Obligation and Other Writings*. Cambridge University Press, 1986.

Han, Rongbin. "Defending the Authoritarian Regime Online: China's 'Voluntary Fifty-Cent Army.'" *The China Quarterly* 224 (2015): 1006–1025.

Hardimon, Michael O. "Role Obligations." *The Journal of Philosophy* 91, no. 7 (1994): 333–363.

Horder, Jeremy. *Ashworth's Principles of Criminal Law*. Oxford University Press, 2016.

Horton, John. *Political Obligation*. Macmillan International Higher Education, 2010.

Isaacs, Tracy. "Collective Responsibility and Collective Obligation." *Midwest Studies in Philosophy* 38, no. 1 (2014): 40–57.

———. *Moral Responsibility in Collective Contexts*. OUP USA, 2011.

Jubb, Robert. "Participation in and Responsibility for State Injustices." *Social Theory and Practice*, 2014, 51–72.

Kant, Immanuel. *The Metaphysical Elements of Justice: Part I of the Metaphysics of Morals* (1797), translated by John Ladd (Indianapolis/Cambridge: Hackett, 1992, 2nd ed.)

Karatnycky, Adrian. "The Decline of Illiberal Democracy." *Journal of Democracy* 10, no. 1 (1999): 112–125.

Klosko, George. "Presumptive Benefit, Fairness, and Political Obligation." *Philosophy & Public Affairs*, 1987, 241–259.

———. *The Principle of Fairness and Political Obligation*. Rowman & Littlefield, 2004.

Kutz, Christopher. "Causeless Complicity." *Criminal Law and Philosophy* 1, no. 3 (September 1, 2007): 289–305.

———. *Complicity: Ethics and Law for a Collective Age*. Cambridge University Press, 2007.

———. "The Collective Work of Citizenship." *Legal Theory* 8, no. 4 (2002): 471–494.

Lawford-Smith, Holly. "Does Purchasing Make Consumers Complicit in Global Labour Injustice?" *Res Publica* 24, no. 3 (2018): 319–338.

Lepora, Chiara, and Robert E. Goodin. *On Complicity and Compromise*. OUP Oxford, 2013.

Lyons, David. *Confronting Injustice: Moral History and Political Theory*. OUP Oxford, 2013.

Mason, Andrew. "Special Obligations to Compatriots." *Ethics* 107, no. 3 (April 1, 1997): 427–47.

Merkel, Wolfgang. "Embedded and Defective Democracies." *Democratization* 11, no. 5 (2004): 33–58.

Miller, David. *National Responsibility and Global Justice*. Oxford University Press, 2007.

Mokrosińska, Dorota. "What Is Political about Political Obligation? A Neglected Lesson from Consent Theory." *Critical Review of International Social and Political Philosophy* 16, no. 1 (2013): 88–108.

Møller, Jørgen, and Svend-Erik Skaaning. "Beyond the Radial Delusion: Conceptualizing and Measuring Democracy and Non-Democracy." *International Political Science Review* 31, no. 3 (2010): 261–283.

Myers, Brian Reynolds. *The Cleanest Race: How North Koreans See Themselves—And Why It Matters*. Melville House, 2011.

Nozick, Robert. *Anarchy, State, and Utopia*. Vol. 5038. New York: Basic Books, 1974.

Ortmann, Stephan. "The Umbrella Movement and Hong Kong's Protracted Democratization Process." *Asian Affairs* 46, no. 1 (January 2, 2015): 32–50.

Parekh, Bhikhu. "A Misconceived Discourse on Political Obligation." *Political Studies* 41, no. 2 (1993): 236–251.

Pasternak, Avia. "Limiting States' Corporate Responsibility." *Journal of Political Philosophy* 21, no. 4 (2013): 361–381.

Pettit, Philip. *Republicanism: A Theory of Freedom and Government*. OUP Oxford, 1997.

Plamenatz, J. P. "Consent, Freedom and Political Obligation." *Philosophy* 14, no. 53 (1939): 114–15.

Rawls, John. *The Law of Peoples: With "The Idea of Public Reason Revisited"*. Harvard University Press, 2001.

———. *A Theory of Justice*. Harvard University Press, 2009.

Raz, Joseph. *A Right to Dissent? II.: Conscientious Objection*. Oxford University Press, 1979.

Repnikova, Maria, and Kecheng Fang. "Authoritarian Participatory Persuasion 2.0: Netizens as Thought Work Collaborators in China." *Journal of Contemporary China* 27, no. 113 (2018): 763–779.

Sangiovanni, Andrea. "Structural Injustice and Individual Responsibility." *Journal of Social Philosophy* 49, no. 3 (2018): 461–483.

Seglow, Jonathan. *Defending associative duties*. Routledge, 2013.

Scanlon, T. M. *Forms and Conditions of Responsibility*. Oxford University Press, 2015.

Schedler, Andreas. "Elections without Democracy: The Menu of Manipulation." *Journal of Democracy* 13, no. 2 (2002): 36–50.

———. "Electoral Authoritarianism." *The SAGE Handbook of Comparative Politics*, 2009, 381–94.

Shapiro, Scott. "Massively Shared Agency." *Rational and Social Agency: The Philosophy of Michael Bratman*, 2014, 257–293.

Simmons, A. John. *Moral Principles and Political Obligations*. Princeton University Press, 1981.

Stewart, James G. "Complicity." In *The Oxford Handbook of Criminal Law*, n.d.

Stilz, Anna. "Collective Responsibility and the State." *Journal of Political Philosophy* 19, no. 2 (2011): 190–208.

———. *Liberal Loyalty: Freedom, Obligation, and the State*. Princeton University Press, 2009.

Sun, Jinyu. "A Duty to Resist: When Disobedience Should Be Uncivil Candice Delmas, 2018 New York: Oxford University Press ix + 295 Pp, £19.99 (Hb)." *Journal of Applied Philosophy* 36, no. 4 (2019): 691–93.

Tamir, Yael. *Liberal Nationalism*. Princeton University Press, 1995.

Taylor, Brian D. *State Building in Putin's Russia: Policing and Coercion after Communism*. Cambridge University Press, 2011.

Waldron, Jeremy. "Special Ties and Natural Duties." *Philosophy & Public Affairs*, 1993, 3–30.

———. "Kant's legal positivism." *Harvard Law Review* 109, no. 7 (1996): 1535-1566.

Weber, Max. "The Profession and Vocation of Politics." *Weber: Political Writings*, 1994, 309–69.

Wellman, Christopher Heath. "Associative Allegiances and Political Obligations." *Social Theory and Practice* 23, no. 2 (1997): 181–204.

Wigell, Mikael. "Mapping 'Hybrid Regimes': Regime Types and Concepts in Comparative Politics." *Democratisation* 15, no. 2 (2008): 230–250.

Young, Iris Marion. *Responsibility for Justice*. Oxford University Press, 2010.

Digital Resources:

"Closing Submission of Benny Tai | Civil Disobedience | Elections." Scribd. Accessed September 9, 2019. <https://www.scribd.com/document/395508015/Closing-Submission-of-Benny-Tai>.

"Hong Kong *," January 4, 2018. <https://freedomhouse.org/report/freedom-world/2018/hong-kong>.

"Over 100,000 Protest in Taiwan over China Trade Deal." *Reuters*, March 30, 2014. <https://www.reuters.com/article/us-taiwan-protests-idUSBREA2T07H20140330>.

"Taiwan | Freedom House." Accessed August 1, 2019. <https://freedomhouse.org/report/freedom-world/2014/taiwan>.

"What Unprecedented Protest Means for Taiwan - BBC News." Accessed August 1, 2019. <https://www.bbc.co.uk/news/world-asia-26743794>.

"當獨裁成為事實，革命就是義務 - 维基百科，自由的百科全书." Accessed August 1, 2019.

<https://zh.wikipedia.org/wiki/%E7%95%B6%E7%8D%A8%E8%A3%81%E6%88%90%E7%82%BA%E4%BA%8B%E5%AF%A6%EF%BC%8C%E9%9D%A9%E5%91%BD%E5%B0%B1%E6%98%AF%E7%BE%A9%E5%8B%99>.

“無法迴避的浪潮 | 中國#MeToo調查全記錄。” Accessed September 9, 2019.

<https://theinitium.com/project/20181021-metoo-in-china/>.